



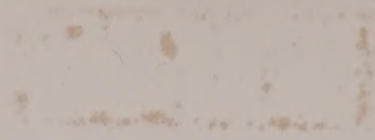
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HOUSE JOURNAL
of the
NINTH LEGISLATURE
FIRST CALLED SESSION

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CAPITOL OF TEXAS

1855-1881

Photograph from Louis J. Wortham,
*A History of Texas from Wilderness
to Commonwealth* (5 vols.; Fort
Worth: Wortham-Molyneaux Com-
pany, 1924), IV, opposite p. 278.

HOUSE JOURNAL
of the
NINTH LEGISLATURE
FIRST CALLED SESSION
of the
STATE OF TEXAS

February 2, 1863 - March 7, 1863

Compiled and Edited from the Manuscripts in the
Texas State Archives

by

James M. Day

Assisted by

Elizabeth Whitlow

with an Introduction by

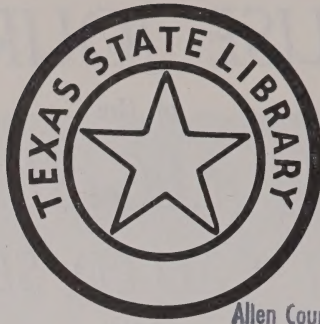
Mary Lasswell

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Introduction

When Governor Francis Richard Lubbock called a special session of the Ninth Legislature on February 2, 1863, his problems were many and harrassing. The most pressing of those problems were, by and large, logistic. It has been said that an army moves on its stomach. Except for rare bands of savages, few fight naked. Clothing for Confederate soldiers from Texas was a real problem, as the annals of Hood's Brigade, Texas Fourth will attest. The Governor's concern extended to the families of the men fighting in the field. He was a man who loved the good things of life and tried manfully to see that the people at home were provided with the necessities.

Governor Lubbock was my great granduncle. He had no descendants, although married three times. His younger brother, my great grandfather, Thomas Saltus Lubbock came to Texas early in 1836 with the New Orleans Grays. Lubbock County and the city of the same name were named for Tom Lubbock after the Civil War. Governor Lubbock came to Texas in search of his brother Tom. Later he was joined by another brother, Captain Henry Schultze Lubbock, who was in command of the *Bayou City* when she captured the *Harriet Lane* in Galveston Bay, New Year's Day, 1863. Captain Lubbock is mentioned several times in the Journal in connection with maritime duties.

In his report to the Military Board Governor Lubbock said: "The Board have also purchased and improved the steamboat Bayou City for the protection of Galveston Bay: and after her completion transferred her to the Confederate Government saving the State her cost and expenses, contributing thereby on behalf of the State very material aid in the daring and memorable success in the capture of the steam vessel of war, Harriet Lane, and the rescue of our beautiful "Island City" from the grasp of our hated foe.

They also purchased and loaned to the Confederate Government for use within the State the two elegant and serviceable Nichols guns manufactured by a skillful citizen of Galveston after whom they were named; and it is not without gratification, they remark, "that these guns recently caused the blockading fleet off Galveston to haul off and take position at a very respectable distance from the shore. The manufacture of this class of guns should be encouraged."

The tone and talk of the times are well-preserved in the House Journal of this special session of the Ninth Texas Legislature. There is concern for the civilian as well as the military population. There are references to the Deaf and Dumb Institution and the State Lunatic Asylum. In language, at least, the world is becoming more humane.

Governor Lubbock was the first man to put the Texas State Penitentiary on a paying basis. During his incumbency this institution became a most important auxiliary to the government, and even one hundred and one years ago, occupied a prominent position in the public mind. When he took office, Governor Lubbock found the penitentiary "largely involved." The debts were nearly equal to its liabilities, which were unavailable. The debts, on the other hand, had to be paid. Nearly all business had been done on credit, but the Governor speedily ordered all transactions to be for cash. He did relent, and extend credit to the Confederate authorities, with the stipulation that they pay up promptly—and in cash.

Scalpers and profiteers were common during this period in Texas. For that reason, all goods went directly to the consumers: Army first, dependents next, and next the actual consumer. Under no circumstances was a yard of cloth to be sold to a retailer or speculator. The demand for woolen and cotton cloth was so great that many citizens wanted the penitentiary to operate night and day and on Sundays. The Governor did not grant this request.

One of the pithiest and most revealing bits in the Journal is a footnote. It is a letter from Asa Mitchell, one of Texas' prime "originals" who moved to San Antonio in 1840. It was written in December of 1861 in protest to a petition circulated in San Antonio by the owners and users of water in Alamo Ditch. One of the signers was Thomas Wigg Grayson, the other great grandfather of this writer and captain of the steamboat *Yellow Stone* at San Jacinto when Santa Anna was held prisoner aboard this boat.

It is estimated that about one third of Texas opposed secession, as Mitchell did not. He had it in for the "Abolitionist ditch." Owner Mitchell "had been informed it is through the lyes and industry of old washbaugh the old hession abolitionist and former ditch comitioner [c.q. on spelling throughout] that got the many signers of the

petition for the last 3 or 4 years he has been getting \$75 per month from the city for superrintending the dutch stealing of water and under the new law he looses his \$75 per month and it alarmed him hence his industry and his life and the City council has a majority of the hession abolition clan heance the resolution passed by them it favours one of their thives. If we are thus to be over run by Abolition dutch we had better leave for other climes. I want you to talk plain on this subject and save us if Possible if not we are ruined that dutch will have all the water and thereby menopolose all the vegitable market."

Some researcher in the future may be wondering where to run down a reference to old "Washbaugh." Mr. Mitchell's spirit exceeded his spelling. The name is Wurzbach, and is still pronounced "Washbaugh" by some Texans.

The House Journal contains much human interest. Governor Lubbock seemed to have had real love for the people of Texas. It is not surprising, then, that he and his wife, Adele Baron, had more children named after them than any other couple who have occupied the Governor's Mansion.

Mary Lasswell

Brownsville, Texas

Preface

This printing of the *House Journal of the Ninth Legislature, Called Session*, is an intermediate step of a project which has been in process for a century. With this volume the journals of the Ninth Legislature, 1861-1863, are in print and accessible to the public. Heretofore one could refer to them only in manuscript form in the State Archives. Their printing here is in response to the legislative requirement to "edit and preface for publication copies of the Texas Archives." Much encouragement for the publication of this series has come from the members of the Texas Library and Historical Commission.

The problems of the House of Representatives during this period were many and real. Prosecution of the war was the main theme and it carried with it melodies which sometimes did not blend with the main chorus. Governor Francis R. Lubbock issued the call on December 30, 1862, and the members met on February 2, 1863. Shortly thereafter Lubbock laid out the lines of thought they were to follow. The Military Board operations called for a major part of his address, but he did not neglect other items such as taxation, frontier defense, hospital care for soldiers, operation of the penitentiary, and the status of citizenship of those who refused to serve the Confederacy. He also wanted to restrict the cultivation of cotton and increase the growth of corn and foodstuffs. Distilleries were recommended to be closed by executive proclamation, with the exception that alcohol could be made for medicinal purposes. Slave labor, he thought, should be used for erecting fortifications for the defense of public buildings and institutions. It was along these lines that the House of Representatives proceeded to action.

One item of interest was that of counterfeit money. Several of the county clerks had taken this "Payne money" unsuspectingly in payment of taxes. They petitioned the legislature for relief, but it was not forthcoming. Another problem which called for action was the effort to control the slaughter of cattle. The status of the free Negro in Texas was clearly delineated in the case of Peter Allen of Houston. His cause aroused some sympathy, but was doomed to defeat by the trend of the times. Feelings against the German population of Texas is shown in the

controversy over the Alamo Ditch at San Antonio. The era was exciting, and so were the proceedings of the House.

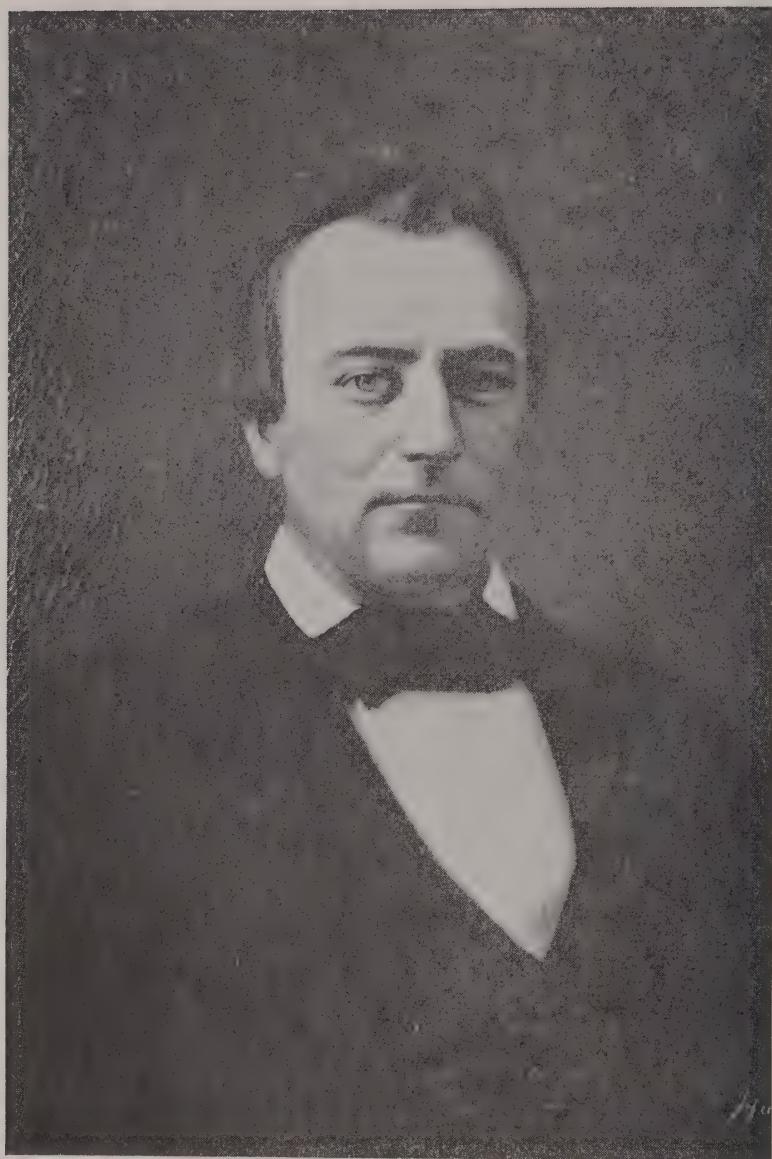
In compiling and editing this journal every effort has been made to keep the original "flavor" of the 1860's and at the same time make it an accurate, readable journal. The journal manuscript from which the editing was accomplished appears to be in the handwriting of I. H. Hernndon, the Chief Clerk of the House, and it understandably has some inaccuracies and omissions in it. The editor has aimed at standardizing the spelling of such items as names and places, and has attempted to locate the omissions and place them in context. When this has been accomplished the inserted material is noted in [] brackets or in a footnote. Efforts were made to locate all speeches, committee reports, and other pertinent material, but this sometimes met with no success. When that is the case, it is so noted.

The illustrations are included to add a bit of color to the proceedings. The picture of the capitol is a drawing which presents a view of the building in which the session was held. Governor Francis R. Lubbock is included because he was responsible for calling the legislature into special session. The other photographs are of representatives who served in the House in this session.

This preface could not be closed without expressing appreciation to Mary Osburn, Newton Mitchell, Floree Haire, Georgia Sykes, and Mike Smyers who kept the reference work going and allowed the time necessary for completing this work. To Donna Yarbrough and Bill Kleinschmidt thanks is given for assistance in compiling the index. A special word of appreciation for this volume goes to Dorman H. Winfrey, Director and Librarian, and to Paul Loftin, Director of Information.

James M. Day
Director of State Archives





Francis Richard Lubbock
Governor of Texas
1861 - 1863

Photograph from
Archives Division
Texas State Library

The State of Texas

Proclamation

By The Governor^{*}

Whereas, the condition of Public affairs, both State and Confederate, renders it necessary in my opinion that the Legislature should be convened in Extra Session _____

_____ Now, Therefore, I, F. R. Lubbock, Governor of the State of Texas, do hereby issue this my Proclamation, ordering the Legislature of the State of Texas to convene in Extra Session, at the Capitol, in the City of Austin, on Monday, the 2nd day of February, A. D. 1863 _____

_____ And Whereas, it is believed that vacancies exist in several of the Senatorial and Representative Districts of this State: _____

_____ Now, Therefore, I, do require the Chief Justices of the several counties composing such Districts (or any two County Commissioners if necessary) upon the receipt of this Proclamation, to proceed to have elections held in their respective counties, to fill said vacancies; after having given not more than ten nor less than five days notice of such election, and make returns according to Law.

^{*}Taken from Executive Record Book No. 279, 1861-1863, p. 126 (Archives Division, Texas State Library).

(SEAL)

By the Governor

R. J. Townes

Secretary of State

Given under my hand and the
great Seal of the State, at
Austin, this thirtieth day of
December, Anno Domini, One
Thousand Eight Hundred and
Sixty Two, and in the year
of the Independence of Texas,
the Twenty seventh.

F. R. Lubbock

Journal
of the
House of Representatives
of the
Ninth Legislature
Called Session

Austin, Texas, February 2, 1863
House of Representatives

In compliance with a call made by His Excellency the Governor F. R. Lubbock, the House met in the Hall and was called to order by the Secretary of State, the Honorable R. J. Townes. Dr. I. H. Herndon was appointed Chief Clerk **pro tempore**, and on calling the roll, the following members answered to their names: Messrs. Alford of Trinity, Beall, Broadus, Buckholts, Buckley, Cocke, Cone, Costley, Clements, Ewing, Evans, Flint, Ford, Foote, Goodrich, Goodnight, Hardeman, Harwell, Hall, Holland of Panola, Holland of Grimes, Hunt, Junker, Magill, Maverick, McCoy, McNeill, Neal, Parker, Potter, Roberts, Randolph, Simpson, Slaughter, Taylor, Townes, Williams, Willis, and Way.

The following new members then came forward, presented their credentials and were sworn: Messrs. J. P. Goodnight, W. H. H. Wade, N. W. Bush, S. E. Clements, J. Randolph, G. A. Foote, J. C. McCoy, William Hunt, D. L. McNeill, Charles B. Way, G. W. Mathews, and John C. Evans. There being no quorum present, on motion the House adjourned till four o'clock P.M.

(4 o'clock P.M.)

House met, roll called, and the following members came forward, presented their credentials, and took the oath: Messrs. J. K. Holland, I. Junker, S. R. McKie, J. B. Reid, and P. A. Thurmond. No quorum being present, on motion the House adjourned till 9 A.M. tomorrow.

[February 3, 1863]

House met pursuant to adjournment. Roll called. The following members answered to their names: Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bush, Broadus, Buckholts, Buckley, Cocke, Cone, Evans, Ewing, Flew-

ellen, Flint, Foote, Goodrich, Goodnight, Hardeman, Harwell, Hall, Holland of Panola, Holland of Grimes, Hooker, Junker, Maverick, McCoy, McKie, Magill, Mather, McNeill, Neal, Parker, Potter, Rains, Reid, Randolph, Simpson, Slaughter, Staehely, Taylor, Thurmond, Townes, Way, and Willis. No quorum present. Mr. J. P. Alford of Tarrant came forward, presented his credentials, and was sworn. On motion the House adjourned till 9 o'clock tomorrow.

Austin, Texas, February 4, 1863

House of Representatives

House met pursuant. The following new members came forward, presented their credentials, and took the oath: Messrs. E. A. Blanch, P. S. Bethel, Thos. Camp, J. D. Todd, and J. Hooker. There being no quorum present, on motion the House adjourned until 9 o'clock A.M. tomorrow.

Austin, Texas, February 5, 1863

House of Representatives

House met pursuant to adjournment. Roll called and quorum being present, Mr. Broaddus nominated the Honorable C. W. Buckley for Speaker. The ballot being taken, C. W. Buckley was found to have received 54 votes; Flewellen, 5 votes; and John Smith, 1. The Honorable C. W. Buckley was declared to be Constitutionally elected Speaker of the House of Representatives for the present session, and Messrs. Broaddus, Blanch, and Hall were appointed a Committee to conduct the Honorable Speaker to the Chair.

The following Committee from the Senate, Messrs. Dickson, Casey, and Boyd, was introduced and informed the House that the Senate had organized and that the following are the officers for the present session, viz., P. de Cordova, Secretary, N. C. Raymond, Assistant Secretary, Wm. M. Gilleland, Enrolling Clerk, Henry Thomas, Engrossing Clerk, R. H. Clements, Sergeant-at-Arms, and Wm. M. Murphy, Doorkeeper.

Mr. Potter then moved that the House proceed to the election of Chief Clerk for the House and nominated I. H. Herndon for the office. The House proceeded to a ballot when it appeared that Herndon received the unanimous vote of the House, whereupon he was declared Constitutionally elected Chief Clerk for the present session.

The Honorable E. D. Townes moved that the House proceed to elect a 1st Assistant Clrk and Wm. Parker of

Harrison nominated A. G. Campbell for the office, whereupon the House proceeded to a ballot when it appeared that A. G. Campbell received the unanimous vote of the House, whereupon he was declared Constitutionally 1st Assistant Clerk for the present session.

The House then proceeded to the election of a door-keeper, whereupon Mr. Buckholts nominated Mr. Mangum, and Mr. Flewellen nominated Mr. Cartwell, and a ballot being taken, Mangum was found to have received 29 votes and Mr. Cartwell 29 votes and McBride 2 votes. Neither having received a majority another ballot was ordered, and upon counting the votes Mr. Mangum received 31 votes and Mr. Cartwell 31 votes, neither receiving a majority whereupon another ballot was ordered which gave Mr. Cartwell 36 votes and Mr. Mangum 26 votes, and Mr. Cartwell having received a majority so was declared duly elected Door-keeper of the House for the present session.

The House then proceeded to elect an Enrolling Clerk whereupon Mr. Hall of El Paso nominated R. L. Bacon, and Mr. Parker of Harrison nominated Philander Priestly for the office; and upon ballot Mr. Bacon received 20 votes and Mr. Priestly received 40 votes, and Mr. Priestly having received a majority was declared duly elected Enrolling Clerk for the present session.

The House then proceeded to elect an Assistant Sergeant-at-Arms whereupon Mr. Holland of Grimes nominated Mr. V. V. Ward for the office, who upon ballot received 61 votes and was declared duly elected Assistant Sergeant-at-Arms for the present session.

Mr. Potter moved that a committee be appointed to inform the Senate that the House is organized and ready to proceed to business and to act in conjunction with the Senate's committee to inform His Excellency the Governor that the Legislature was organized and ready to proceed to business: whereupon the Speaker appointed on said committee Messrs. Potter of Galveston, Holland of Grimes, and Broadus of Burleson.

Mr. Broadus moved that the House take a recess until half past eleven A.M. to afford an opportunity to prepare the House to receive the Senate in joint session to hear the Governor's message read and that the Senate be invited to attend.

11 A.M.

The House was called to order and the Senate was invited to adjourn to the House to hear the Governor's message read; whereupon the Senate in body was introduced and the rolls being called and quorums being present, His Excellency Governor Lubbock was introduced and delivered his message in joint session.

EXECUTIVE DEPARTMENT

Austin, Texas, February 5, 1863

Gentlemen of the Senate and House of Representatives:

It being my duty to convene the Legislature in extraordinary session when deemed essential for the public good, I have called you together at this momentous crisis to receive your aid and cooperation in the adoption of such additional measures as may be esteemed of vital importance to the country.

Since your adjournment the war has been prosecuted by our vindictive and remorseless enemy with all the means and energy at his command. Failing in the clash of arms and shock of battle to conquer and subdue our people, no expedient, however miserable, contemptible, and despicable, has been left untried by him to induce the citizens of the Confederate States to throw off their allegiance to the government of their choice and espouse a cause they detest and abhor. Wherever the fortune of war has placed any portion of the Confederacy in his power, after exhausting every means of persuasion, without success, to bring the people "back to their allegiance," he has resorted to the most unjust, oppressive, and cruel measures—confiscations, imprisonments, and even the taking of life itself. Yet under all these trials our citizens, with but few dishonorable exceptions, have remained true and loyal to the Confederacy.

From the very commencement of the war there has been a studied purpose, on the part of Mr. Lincoln's Government to Africanise the Southern Confederacy, which fact is now most plainly developed in his proclamation of the 22nd September, 1862, in which he declares that "all slaves shall be free in the States or parts of States found in rebellion after the 1st of January, 1863," and which proclamation has been approved and sustained by the U. S. Congress now in session by the following resolution:

“Resolved, That the Proclamation by the President, dated September 22, 1862, is warranted by the Constitution, that the policy of emancipation as indicated herein, is well adapted to hasten the restoration of peace, is well chosen as a war measure, and is an exercise of power with a proper regard to the rights of citizens and the perpetuity of a free government.”

I am pleased to see the views of the President of the Confederate States has taken on this iniquitous paper in his late proclamation of outlawry against that hateful and disgusting renegade and traitor democrat known as the “Beast Butler” of whom it has been well said: “He has disgraced the government, for his government is great enough to be just; he has disgraced his country, for his name barbs the scorn of foreign enemies and justifies the severity of foreign friends; he has dishonored the Chief Magistrate by prescribing him to ministers of the Gospel as the subject of their compulsory prayers; he has disgraced his sex, for not even women have been exempt from his cruelty. If it is possible he has disgraced himself, for the most subservient loot of Southern men and subservient [s]lander of Southern institutions he has become their most assiduous enemy seeking a place for the heel of power where once he looked only to lick the spittle of servility.”

I trust your honorable body will fully endorse the action of the President and sustain the Confederate Congress in every measure of retaliation that may be adopted against our foes who are in effect fighting us under the blackest and most damning of all flags—a flag upon whose folds is inscribed their intention and desire to incite a servile war.

While I recognize the right of the Confederate government to dispose of prisoners of war taken by its armies, and while it would be impolite and unadvisable for the State to interfere therewith, I yet think that where parties are taken upon our soil, committing murder and arson and inciting to rebellion our servile population, the plea that they are soldiers of the United States Government should not be allowed to save them from the same summary punishment as would be visited upon our own citizens if convicted of the same nefarious crimes.

As Texans, we should feel that He who ruleth in the Heavens and upon the Earth hath protected and shielded

our State from the iron hell of despotism and tyranny—from the lust, avarice, murder, and rapine that have followed in the footsteps of the invader and been so deeply felt by our suffering sister states. Could we but forget the heavy and irreparable loss of brave and devoted soldiers sustained by Texas upon every battle field, we might congratulate ourselves that, thus far, the evils of the war have not pressed heavily upon us.

In almost every important battle our arms have proved triumphant. I am proud of the conviction that our Texans, elbow to elbow with their Confederate brothers in arms, have been conspicuous in every encounter. No troops have proved more gallant and chivalrous; high praise has been awarded them by the President, their commanding generals, and the people, the evidence of which exists in the Executive Office. It is too true we have to mourn the loss of many—alas, too many—of our best and bravest! Let us, however, hope that they have not died in vain—that for every drop of blood so shed in the cause of freedom an armed man will spring up to do battle in this great struggle! Let us cherish the memories of these heroes and ever bear in remembrance that it was for our country and for our liberties they yielded up all that was dear to them on earth. When peace shall have been restored to our fair land, let their ashes repose in the bosom of the State they loved so well and upon whose name their deeds have shed so imperishable a lustre! Let a hundred columns mark the spots where rests their ashes, the tribute of a grateful people, proud of their deeds! And let them recount to our children's children the names of the patriots who yielded their lives a willing sacrifice upon the altars of liberty!

THE MILITARY BOARD

At your last session you created a "Military Board" composed of the Governor, Comptroller, and Treasurer. Immediately after the passage of the law the Board entered upon the discharge of their duties and have continued up to the present moment, with all the energy and ability they possess, to carry out the intentions of your Honorable body. In consequence of the scarcity of material, the great number of patriotic artisans and mechanics as well as laborers who have flown to arms in defense of the country—they have encountered almost insurmountable difficul-

ties. Much, however, has been done by them to place the State in a better posture for defense than existed at the time of your adjournment. They have purchased and procured every gun possible; made several contracts for the manufacture of small arms, which are now being rapidly perfected; established and placed in successful operation a foundry for the casting of cannon; are successfully working a percussion cap factory; aided in the manufacture of gun powder; and all else in their view calculated at this time to benefit the country. They have also introduced into the State many articles of prime necessity including a large amount of powder, lead, and other munitions of war, and contracted with parties to import articles indispensable to the people.

The Board have also purchased and improvised the steam boat "Bayou City" for the protection of Galveston Bay: and after her completion transferred her to the Confederate Government saving to the State her cost and expenses, and contributing thereby on behalf of the State very material aid in the daring and ever memorable success in the capture of the steam vessel of war "Harriet Lane" and the rescue of our beautiful "Island City" from the grasp of our hated foe.

They also purchased and loaned to the Confederate Government for use within the State the two elegant and serviceable Nichols guns manufactured by a skillful citizen of Galveston after whom they were named; and it is not without gratification, they remark, that these guns recently caused the blockading fleet off Galveston to haul off and take position at a very respectable distance from shore. The manufacture of this class of guns should be encouraged.

I might say much in regard to the labors and action of the board; it is, however, deemed best not to enter into details at this time. Suffice it to say that I have found my colleagues ever ready to afford me every assistance in defending and advancing the interests of the country. Every important act of the Board has been the united act of all.

I most respectfully ask that a Joint Committee be appointed to examine and report upon the action and business entrusted to the Board. This will be the best mode of determining as to its usefulness, the benefits resulting

to the State and the propriety of its continuance. I can assure your Honorable Body that its labors have been most arduous.

REPORT OF THE ADJUTANT AND INSPECTOR GENERAL

I respectfully call your attention to the report of the Adjutant and Inspector General in which you will find the details connected with his department, and the duties performed under the law since your regular session, and also many valuable suggestions.

In consequence of the large requisitions made upon the State for men by the Confederate government, and the great disposition of our citizens to engage in the war, the State military organization has been almost destroyed. The labor in his office has been very arduous, and, I trust, in many respects resulted in material benefit to the State. The labor in collecting and repairing arms, receiving and distributing munitions, organizing and placing in the field the Frontier Regiment, and in filling the requisitions of the Confederate Government has been immense.

On the 21st of December, 1861, the Act was passed "for the protection of the frontier of the State of Texas." The first company enrolled under said Act (that of Captain Thomas Rabb of Karnes County) on the 24th of January, 1862, reported in camp awaiting orders.

On the 29th and 30th of the same month, the field officers were placed on duty, and the companies of the regiment in position by the 15th of March at the several posts established on the line by the colonel and approved by the Executive. The regiment consisted of nine companies. The tenth was not raised in consequence of the failure of the party appointed in El Paso and Presidio Counties to enroll the men; subsequently, from the best information I could procure, I deemed it unnecessary to station a company in those counties, hence the tenth company was not at that time raised.

In compliance with section 7 of said Act, I immediately, after the passage of the law, communicated with the Secretary of War and our members of Congress urging their acceptance of the regiment. I received assurance from our members that the regiment would be received. The Provisional Congress passed a bill for its acceptance,

which was, however, vetoed by the President on the ground that it could be accepted only unconditionally. It was again brought before the permanent Congress, passed the House, but was defeated in the Senate. After much conversation on the subject with the commanding general of this department, on the 1st of October ultimate, I was induced to offer him the regiment for Confederate service, believing it would be continued in service on the line adopted for the protection of the frontier, a duty properly devolving upon the Confederate government, and that it would be an immediate relief to our Treasury. In answer to my proposition the regiment was agreed to be received so soon as they could be remustered, and some immaterial arrangements made. The arrangements for the transfer were about completed when I received a communication indicating most clearly that the present Commanding General, induced by an apprehension of an invasion of the lower Rio Grande, would forthwith withdraw five companies of this regiment for service on the lower Rio Grande. Although in accepting the regiment, the commanding general could make no terms with me as to its future disposition. I yet believed the regiment would be retained on the line for the protection of the frontier; consequently, when the fact was made apparent before the transfer that a very large number of our frontier counties would be immediately deprived of protection by said transfer, there being no Confederate troops on the line, I withheld my approval thereof, deeming it best to await your action.

This regiment has performed good and efficient service and been of great benefit. It has given the frontier settlers confidence. Many good men have joined the Confederate service, and gone beyond the limits of the State, leaving their families and property in the frontier counties because they had confidence in that organization and believed the State was determined to protect its frontier.

The frontier counties with their very sparse population have nobly responded to the call of their country. They should be sustained. Unless protection be afforded them the frontier must recede and give way before the inroads of the Indians, for just so soon as you fail to keep up a system of defense in your outer counties will they press forward upon the interior, murdering and robbing.

That it is the duty of the Confederate Government to

protect our frontier there is and can be no question, but it must be borne in mind that we are now engaged in a desperate war and that the government has need of every man she can procure to operate against an enemy more barbarous than the Indian. Hence, the necessity for the State authorities to look to the safety of her people on her exposed borders. They must be protected at all hazards and at every cost. Treasure must not be weighed against the blood of our women and children!

The frontier regiment has entered the service for three years or the war, preparation to its transfer to the Confederate service. They are willing and expect to be transferred should it be the pleasure of your Honorable Body. With the exercise of the most rigid economy the expense of keeping this regiment in the field up to this time has been about \$800,000.

I beg leave to suggest the following plan for the protection of the frontier in addition to what the Confederate government may do. Let some twenty-five counties on a line from Red River to the Rio Grande be selected. Appoint in each of such counties a captain and twenty men citizens of the same who will be sworn in as soldiers for the protection of the frontier. Pay to each of the captains \$750 and each man \$500 per annum, these troops furnishing their own horses, arms, and subsistence. Appoint one or two commissioners whose duty it shall be to travel along the line, receive reports as to the management of the companies, their efficiency, and the protection they afford, paying off the companies and exercising a general supervision over the line.

This plan would give about 500 men: would not cost the State a sum exceeding \$30,000 per annum, about one-fourth of what it will cost at the present enormous prices of subsistence, &c., to keep a regiment like the present in the field, and would, I believe, give protection and satisfaction to the frontier settler.

It would take but a short time to perfect this system of defense. We could then turn over the present regiment to the Confederate government without much risk, and, whenever that government placed upon the frontier a force adequate to its protection, we could disband any organization the State might have in service.

Should you resolve to retain the frontier regiment in

the State service, some amendments of the law creating it could be made which would add to its efficiency.

In remustering the regiment for three years or the war, expecting as I did to transfer it to the Confederate States, I waived the power of appointment vested in me by the law and gave to the men the election of their field officers. I conceived it would prove more satisfactory, and it was a right they would have had in reorganizing a new regiment for Confederate service. I am pleased to say that in my judgment they made a very good selection of officers.

It is with profound regret and mortification I am compelled to inform you of the untimely death of Lieutenant Colonel A. T. Obenchain, late of the Frontier Regiment. He was unquestionably murdered; and the supposition is, by his escort, two men named E. T. Whateley and Rector Stockton, privates in Captain Cureton's Company I, Frontier Regiment.

Every effort has been made to arrest these two parties supposed to be his murderers, but thus far without avail.

STATE TROOPS

In consequence of the large number of volunteers who have crowded to the Confederate States' standard since the passage of the Act of December 25, 1861, "to perfect the organization of the State Troops and place the same on a war footing" and that of the several conscript acts taking all between the ages of 18 and 45 years, the entire military force of the State has become almost wholly disorganized.

I have recently experienced much difficulty in filling a requisition made upon me for 5,000 State troops for three months service for the defense of the State. I beg to call your attention to the report of the Adjutant General on this subject and particularly to his suggestion that all persons capable of bearing arms from the age of 16 to 60 years of age be enrolled. There is no good reason why stout and able bodied youths and old men should not be required to render service in defense of the State. It may become necessary to place in the Confederate service every man from 18 to 45 and even to 50 years of age. We should, therefore, prepare to defend the State with the boys and old men.

You will, also, upon examination of the report see the importance of effecting a change in the military law with respect to commissioned officers.

In filling the late requisition for 5,000 troops, being fully aware that, in most instances, the companies, battalions, and regiments were reduced to mere skeletons and that new organizations would have to be formed, I gave the men the privilege of electing the officers to command them in the field. It was impossible to assign a tenth of the officers to duty; hence, I preferred this plan, trusting the officers would volunteer and accompany the men, taking their chances for election. Very few, however, did so; the rest claimed their exemption from draft and were furloughed, they requesting it. I have under the circumstances granted their requests.

I think, however, the law should be so amended as to make them liable to go into the ranks whenever the company to which they are attached falls below the minimum number, and which minimum should be raised considerably over the present number.

Early last Autumn Brigadier General Hudson of the 21st Brigade, State troops, apprehending great danger from the Indians who had risen upon the Indian Agent and other whites at Fort Cobb [and] fearing, also, at the same time an invasion by Jayhawkers and Indians and that an attempt would be made to seize and take possession of ammunition held by Cooke County, called into service three companies of State troops subject to the approval of the Executive, which was given; and the companies were accepted into the Confederate States service by Brigadier General P. O. Hebert, the general commanding in Texas at that time.

THE PENITENTIARY

I respectfully solicit your attention to the workings of the State Penitentiary. This institution has become a most important auxiliary to the government and is occupying a very prominent position in the public mind.

When I came into office I found it largely involved, and, although the debts due the concern were nearly equal to its liabilities, they were unavailable while the latter had to be paid. I found, too, that a contract had been entered into by the officers of the institution, with the sanction of

my predecessor, with Irby Morgan, a quartermaster in the Confederate States service stationed with what was then called the Army of the West in Tennessee, for one-half of all the woolen and cotton goods manufactured, the contract to continue six months with the privilege on Morgan's part to continue it six additional months. I discovered that it took the balance of the products to clothe the soldiers of this department. It appeared, also, that a very large credit business had been done by the preceding financial agent. I instructed the present financial agent to sell entirely for cash, and, although I was willing for the Confederate authorities to have what was needed for our soldiers, they, too, were to pay cash or make payments at such stated periods as would enable the concern to be carried on advantageously.

Seeing that the goods obtained by Morgan were being sent out of the State and knowing that the facilities for procuring cloth east of the Mississippi were more abundant than west of that river, I very soon directed the financial agent to notify Captain Morgan that his contract could not be extended, that the necessities of the State forbade it, and that unless I had assurances that our Texas soldiers were receiving the benefits of his contract, I should stop it all. He readily agreed to my suggestions, and his contract expired in April last.

From that time my orders have been imperative; that the soldiers of Texas be first supplied; after them their families; and next the actual consumer; but under no circumstances was a yard of cloth to be sold to retailers or speculators. I believed the best way for clothing our troops was through the various quartermasters and government agents who were bonded officers and charged with that specific duty; and, hence, I had their requisitions filled; and up to September 1, 1862, having investigated the subject and made the calculation, I found the army had received three-fourths of all the woolen and largely over one-half of the cotton goods manufactured. It must be borne in mind that this is the only establishment west of the Mississippi River capable of furnishing clothing, tent cloths, wagon sheets, and flour sacking, etc., etc. The result was that when the necessities of this department and that of Arkansas were filled, but little was left to distribute among our people.

Entertaining the hope that the institution might supply the wants of some of the people, I directed the financial agent after supplying the Army to furnish the actual consumer what he could spare and advised him to require of every such applicant an affidavit stating the goods were for his own use or the use of those for whom he applied and would not be sold or bartered. This I suggested as a safeguard against imposition and for the protection of the honest citizen; and much was I astonished to learn that this course was objected to by many of those whose interests the rule was intended to secure.

As soon as this regulation became generally known, thousands of parties made application for cloth and of course the great majority of them were doomed to disappointment and were, consequently, dissatisfied. The institution could not supply one-fiftieth of these demands: the army had to be first supplied, which left but little to be divided among the people. About this time, as is evidenced by the records in my office, I was totally unable, without neglecting my other official business, to reply to the numerous letters received concerning penitentiary goods and was compelled, in consequence on the 9th of August, 1862, to write a public letter to the financial agent.

This only caused more applications to be filed dooming the applicants still to disappointment. Shortly thereafter I was induced to change the whole plan by letters of the most urgent and distressing character from Generals Hindman and Holmes as to the condition of their troops in Arkansas, most of whom were Texans. I did not, however, as has been said, give the control of the penitentiary to General Holmes or the Confederate officers, but I did recognize his right to control the quartermasters in the Trans-Mississippi Department. Believing that under his management our Texas soldiers would be better and more speedily clothed, I gave him all the goods manufactured at the penitentiary for the present, reserving a sufficient amount of cotton cloth, subject to the orders of the county courts of the State to clothe the indigent families of the soldiers in the service.

I think I did right. I said then that I hoped the troops would be benefitted and knowing as I did the suffering our people at home for clothing, I urged General Holmes to obtain supplies elsewhere, if possible, in order that the

cloth might be distributed to the needy among our citizens. I also said that our people, although suffering, should recollect that while they were at home where shelter could be obtained, our brave boys were exposed to the cold blasts of winter as well as the iron hail of the accursed enemy, and that they should be willing for the soldier who was fighting their battles to be provided even to their discomfort.

Many have complained and said that the institution should be run at night. I fully subscribed to this but an investigation of the project satisfied me that it would not do—the risk, if no other objection existed, would be too great. Others suggested that it should be run on Sundays; this, too, I found impracticable for which many good reasons could be given.

It would be unreasonable to suppose that such an establishment as this, belonging to the State, in which every citizen believes he has an interest, could in its operations in these times of distress and scarcity of every article of clothing please generally. While I could not reasonably expect this, my sole aim has been to make it do all the good possible.

I believe that through the untiring energy, skill, and ability of those directly in charge of the institution, it will compare favorably with, if not surpass, the workings of any of a similar character in the Confederacy. I should think I was guilty of an act of injustice towards the superintendent and financial agent did I not say this much.

The special report of the financial agent, furnished at my request for your information, is respectfully called to your attention.

It discloses that from the 1st day of December, 1861, to the 31st of December, 1862, a period of thirteen months, there was manufactured of cotton goods 1,376,700.0 yards and of woolens 211,151.2 yards, of the former of which was sold to the army 765,791.2 yards and of the latter 184,241.2 yards, making largely over one half the cottons and greatly exceeding $\frac{3}{4}$ of the woolens manufactured. The lunatic asylum received 602 yards woolens and 1,000 yards cottons. The balance, 589,217.0 yards of cottons and 22,845.1 woolens, were absorbed by the factory, penitentiary, clothing of the convicts, families of soldiers, and general supplies of the institution.

The group earnings of the institution	
for same period have been	\$467,529.30
The amount expended has been	222,499.36
Special deposit with State Treasurer	236,502.25
With a cash balance on hand of	8,527.69

The amount of indebtedness previous to December 1, 1861, which has been paid by the present financial agent is \$64,707.37 more than the amount received by him previous to that time. The amount of cash received by him upon taking charge of the penitentiary was \$36.80.

It will thus be seen that this institution has been most ably, successfully, and profitably managed, placing into the Treasury a very large amount.

The military board, having been requested by the financial agent to do so and deeming it themselves of vital importance, ordered from Europe certain articles absolutely necessary to keep the institution profitably in operation. It may become necessary while the war lasts to empower the director to obtain even at great risk everything required to keep the establishment in good working order and, if possible, to increase its productive capacity so important to our army and people, provided they pay for such articles and necessary improvements out of the proceeds of the institution.

There has been much said in regard to the bad management of the penitentiary and in some instances charges have been made of unfairness, malfeasance, etc., on the part of some of the officers.

Under these circumstances I consider it due to those officers and the people that these things should be properly investigated, and if any officer directly or indirectly charged with the management of the institution has been guilty of wrong doing let him be held up to public scorn.

With this view I beg of your Honorable Body to appoint a Joint Committee to examine into both the financial and mechanical workings of the institution; and I trust you will pardon me for suggesting that the committee be selected of experienced, practical business men from different sections of the State not residing in the immediate vicinity of the penitentiary and strangers to its officers.

Since penning the above I have unexpectedly received a very interesting report from the directors covering a report from the superintendent. These reports contain

much valuable information and many important suggestions which I beg leave to call particularly to your attention.

HOSPITAL FUND

Immediately after the passage of the law creating a Hospital Fund for the benefit of the sick and wounded soldiers in the Confederate army, I appointed Dr. R. T. Flewellyn to visit the army in Virginia and Dr. A. H. Rippetoe, the army in Kentucky. I placed in their hands the sum of \$5,000 each in specie with instructions to make exchange whenever they deemed it to the interest of the Fund to do so.

Dr. Flewellyn remained in Virginia but a short time, informing me that he did not believe his services there would compensate for the expense attending his stay, that our troops there were doing very well. After expending a small amount for the relief of certain hospitals that had contributed to the comfort of our men, relieving the wants of some of our soldiers, and depositing with the colonels of the 1st, 4th, and 5th Texas Regiments the sum of \$1,833.33 $\frac{1}{3}$ each for their use, he returned to Texas and paid into the Treasury \$708.55. The premium obtained on sale of specie was \$2,366.

Dr. Rippetoe, I regret to say, was compelled to return home on account of ill health. During his short stay with our troops he accomplished much good, relieving a large number of our soldiers. He realized \$1,153 premium on account of specie sold and returned to the Treasury \$1,900 in specie and \$3,166.45 in Confederate notes.

These two gentlemen made no charge except for actual expenses.

Deeming it best that permanent agents should be with our troops so far from their homes, kindred, and friends, and that such was the wish of the Legislature, I appointed Dr. J. W. Fennell, instructing him to proceed to Virginia to the army of General Lee, or where ever else he might find our Texas troops in that state and to extend to them such relief as they might require; and if deemed advisable to establish a separate hospital for the benefit of the Texas troops. I placed in the hands of Dr. Fennell \$14,500 and gave him authority to control the \$5,500 deposited with the officers of the Texas regiments in Virginia, making

\$20,000. Up to the 3rd of December, 1862, Dr. Fennell had expended the sum of \$7,224.37, had in operation a hospital at Richmond, exclusively for Texans, and was being assisted in its management by the Confederate medical authorities.

I appointed Dr. Lewis A. Bryan and gave him \$50,000 with instructions to join what was at that time known as Bragg's Army east of the Mississippi River and charged him with the duty of looking after all Texans in that section of the Country, authorizing him, if deemed expedient, to establish one or more hospitals, one of which he located at Quitman and another at Jackson, Mississippi, both being now in successful operation. At the time his last report was made he had under treatment a very large number of patients, and, although the Confederate States Government is extending to him very material aid, his fund is becoming rapidly exhausted.

On the 30th of November last he had in his Hospital 469 patients and had expended of his fund the sum of \$19,435.86.

After exerting myself for some time I succeeded in procuring the services of Dr. George A. Ferris for the Texas soldiers in the Army of Arkansas and placed in the hands the sum of \$20,000. Sufficient time has not elapsed since his appointment to receive a report of his operations.

I can assure the Legislature that they passed no law at their last session likely to confer more benefits than the law creating the Hospital Fund. I fear, however, the appropriation will prove insufficient to sustain the hospitals until the regular session. I, therefore, suggest that an additional appropriation be made for this humane and generous purpose.

The ladies of the country with that kindness of heart and marked patriotism which has distinguished their conduct since the first gun was fired at Fort Sumpter, perceiving the insufficiency of the appropriation and fearing our brave men—their fathers, husbands, brothers, lovers, and friends—might possibly suffer for such comforts and necessities as the government could not furnish, have with a lavish hand been adding to the appropriation. They have plied their needles, their wheels, and their looms; they have brought into successful requisition their musical and vocal powers in aid of the Hospital Fund.

When the future historian of this war shall recount the deeds of heroism of which it has been so fertile, how brightly beautiful must the patriotism, self-denial, and courage of the women of the Southern Confederacy appear. They will descend to posterity peerless among women!

THE CURRENCY AND HIGH PRICES

Many are the reasons given to account for the great depreciation of Confederate Treasury notes and the high prices asked for every article of price necessity in the country. The people will look to you with hope not unmingled with anxiety to solve this difficult problem, and to the measures you will adopt to enhance the value of the currency and, thereby, reduce the enormous prices demanded for everything bought and sold within the State. My impression is that the large amount of Confederate Treasury notes in circulation and our proximity to a people entirely specie trading, with whom is our almost sole commercial intercourse, are the chief causes; and in order to effect a speedy and favorable change it is essential that a large amount of the Treasury notes of the Confederate States be at once withdrawn from circulation. To aid in effecting a result so desirable I hope the Confederate government will without delay proceed to the imposition and collection of a larger tax and encourage the funding system, even, should it be necessary to effect that result, to increase the rate of interest. Never will a more favorable time occur for the debtors of the government to liquidate the demand against them. The State tax should also be raised to double its present rate. There never was a period when our people were so able to pay their taxes as at present when money is so abundant and property of every kind bringing such enormous high prices.

Another measure whose adoption would aid in sustaining the currency is the compulsory withdrawal from circulation of corporate and individual **shinplasters** under most prompt and severe penalties. I am of opinion that it would be best for counties to borrow what money they may need on their bonds and withdraw all their change notes from circulation, leaving the Confederate Treasury notes and such Texas Treasury warrants as may be out to serve the purposes of circulation and change. Were this done, I believe it would be attended with a good effect. I

feel satisfied your Honorable Body will leave nothing undone you can legally do to sustain the credit of the government, for upon that credit depends, perhaps, the success of our present struggle for a separate existence.

There may be those among us who willfully depreciate our currency; I trust they are but few in number and, like the traitors in our midst, constitute but rare exceptions. Should there be citizens in the country refusing to receive the currency for debts contracted in the due course of trade, and who, holding large amounts of interest-bearing paper for better times, expect at the termination of the war through the action of the courts to sell and sacrifice the property of their neighbors for specie, I trust the Legislature will so change the remedy as to save our people from bankruptcy and ruin.

It is the opinion of many distinguished jurists and statesmen that the Confederate Congress has the right to make the Treasury notes of the Government a legal tender; if this be so, now is the time for such action. I should be pleased to see you express an opinion on this point.

PROVISION FOR THE FAMILIES OF THOSE IN THE SERVICE

I beg leave to call your attention to the absolute necessity that exists of making further provision for the support of families of those in the service. I am aware the counties have been very liberally providing for them thus far. It is, however, useless to disguise the fact that this burden (is upon us) upon them must daily increase with the continuance of the war; and, should the contest be prolonged to the end of the year, it will be necessary that thousands more of our citizens take the field, thus increasing the number of families in every county to be provided for. In addition to what the counties may do, I am of opinion the State should make a most liberal appropriation for this purpose. The troops in the field are the soldiers, not of a particular county, but of the entire state, and it would be but equitable that the State provide for their families. This plan would also seem just in another view. Many counties with the smallest populations are the most wealthy. They furnish but few soldiers, consequently, while other small taxpaying counties have a large excess of men in the field and, therefore, many more families to

provide for. Hence, it seems but just they should be cared for out of the public treasury. I am wedded to no particular plan by the operation of which the relief sought is to be afforded, but I most earnestly advise that ample provision be made to ward off distress from the families of those who are so nobly serving their country. That there will be destitution among them unless such provision be made, there can be no doubt.

In connection with this subject I believe that authority should be lodged somewhere so that in the purchasing of articles for the purposes indicated, if the parties having them—particularly bread, stuffs, meat, etc.—refuse to sell at a fair price for the currency of the country, the goods should be liable to seizure and appraisalment.

THE CULTIVATION OF COTTON TO BE LIMITED AND THE GROWTH OF CORN TO BE INCREASED

I desire to call your attention to the great necessity that exists for limiting by legislative action the planting of cotton during the existence of the war. It is undeniable that upon slave labor both our armies and the families of our gallant soldiers depend for subsistence. A very great majority of our laboring white population are in the field or will be there. Our lands, too, cultivated by white labor cannot with certainty be relied upon to produce corn in consequence of the uncertainty of the seasons in those sections of the state where this species of labor predominates. Hence, we are reduced to the necessity of looking to the rich bottom lands cultivated by the slave for a supply of corn adequate to the future demand; and to secure a sufficiency, less cotton must be planted. If we expect our troops in the field to remain content, they must feel that those at home, their wives and little ones, are cared for. The cotton planter should not be permitted to place in cultivation more than a given number of acres. I would suggest three acres to the full hand. If he exceed that amount, he should be condemned to pay at least \$500 per acre. The quantity of cotton thus raised would be amply sufficient for all purposes, would bring the planter a large return and leave land enough to supply the country bountifully with cereals, the planting of which in abundance should be required of every planter and farmer.

It may be urged that such legislative action would be

an unjustifiable interference with a legitimate calling. I will in reply simply say that "self preservation is the first law of nature," and the axiom may, I presume, be with propriety applied to communities and states as well as to individuals. And I am convinced that unless some such course be adopted there will be famine in the land, the cry for bread will be raised, suffering will ensue, and the bold and true hearts gallantly fighting the fight of liberty will be bowed down and dispirited. Let me, therefore, urge upon your Honorable Body to give this matter your most serious attention, esteeming it as I do of supreme importance.

DISTILLERIES

In connection with the foregoing subject it is with regret I call your attention to a very large number of distilleries now in operation within the State. The numbers that have sprung into operation since the commencement of the war might be deemed fabulous. On the 28th of May last, I issued a proclamation ordering all such establishments to be closed deeming it of supreme importance to preserve the grain for the use of the army and people and save our soldiers from the pernicious effects resulting from the use of intoxicating liquors. I was at the same time convinced that in portions of the State the crop would fall very short—a conviction, subsequently, fully verified. Upon the issuance of that proclamation, most of the parties having distilleries desisted from their use, although some, I am informed, persisted in distilling. I directed the brigadier generals of the militia to enforce the proclamation. In one instance, the Brigadier and all others including the Executive were enjoined from interfering with the distillery of the party who sued out the injunction; and inasmuch as I had concluded at the time service of the writ was made upon me to convene your Honorable Body, as there appeared to be some doubt as to my authority to suppress them, I determined to submit this matter for your consideration.

It is well known that these establishments daily come into competition with the county courts and with individuals charged with the duty of providing for our poor and the families of our soldiers; and that in some sections of the State they have been the cause why the price of corn has risen to double its value.

The demoralizing effects of these distilleries, both upon our troops and people, are terrible; and I entreat you, in the name of the mothers, wives, and children of those brave and noble spirits now far from their homes in the armies, and who look to you to guard and protect them, to suppress this outrageous consumption of grain and iniquitous traffic until peace is concluded.

My conviction is there is but one way to effect it. The Executive must be invested with authority to close them by proclamation, and, if disregarded, he must be empowered to do so by a military force. The party who violates the proclamation should also be liable to a heavy fine and imprisonment. A fine alone would be insufficient. The enormous profits of the traffic would enable the party easily to satisfy it.

Heavy penalties should also be imposed upon persons introducing into the State, during the war, intoxicating liquors, unless by special permit for medicinal purposes for the use of the army hospitals. It may be urged that some alcohol is necessary for medicinal purposes. If so, let proper restrictions be thrown around contracts for that purpose.

I am informed by intelligent chemists that a most excellent article of alcohol can be distilled from the sorghum or Chinese sugar cane, and I know it can be more easily grown in our State and with a greater degree of certainty than any of the cereals used in distillation.

EXTORTIONERS AND MONOPOLIZERS

That there are persons in the community who live by extortion and monopoly there can be no doubt. Is it in our power to reach them? If it be, let us not hesitate a moment, but push straight forward to the work. They are now the worst enemies we have, because they croak and complain, make their purchases with gold, abuse and depreciate the currency so as to obtain immense profits, reinvest and so continue, never satisfied with their increased gains. The monopolizer has nought for sale until he sees a favorable opportunity to dispose of what he has at most enhanced prices ruinous to the purchaser.

I regret to say that I have been informed on many occasions that the trader and speculator is not the only extortioner and monopolizer in our midst, but that many

of our planters and farmers are to be included in the same category.

In the language of President Davis, "They are men who can be reached by no moral influence and are worse enemies of the Confederacy than if found among the invading forces. The armies in the field, as well as the families of the soldiers, and others of the people at home, are the prey of these mercenaries, and it is only through state action that their traffic can be suppressed. Their condign punishment is ardently desired by every patriot."

SLAVES FOR LABOR ON FORTIFICATIONS

It may become necessary from time to time for the Confederate, as also for the State authorities, to require the labor of adult male slaves on public works of defense. I would, therefore, most respectfully suggest that a law be passed to enable the government to command this species of labor when necessary, and that a system be inaugurated which in its operation will bear equally, and as lightly as possible under the circumstances, upon the people. A small percentage of the slave population would suffice.

CITIZENS VOLUNTARILY ABSENTING THEMSELVES FROM THE STATE DURING THE WAR

It has been truly said that "every citizen is bound to serve and defend the State as far as he is capable." None are naturally exempt from the performance of this duty by reason of age or infirmity. All are capable in some way of being useful, the healthy and strong of bearing arms, and the infirm of doing hospital duty, and of aiding the families of those who are in the army, and of sympathizing with and giving aid and comfort to the cause in which we are engaged. There are higher and nobler duties to perform than simply to live up to the law, to pay taxes, and hire a substitute when called on to serve in the army: the duty of giving the whole heart and means to sustain the country in its heroic struggle!

What then must be thought of those persons who, without sufficient nerve to take an active part against us, either remain here sullenly discontented or secretly doubting the success of our arms and sowing the seeds of discontent in the minds of the weak and irresolute? What must be thought of those who have left the country to

avoid a participation in the struggle, expecting to return and join the successful party? Is there no way by which the latter class can be reached? I respectfully suggest to the Legislature the passage of a law notifying such persons to return to the State in a given time, and that their failure to comply shall subject them to forfeiture of lands and citizenship, and of the right to become citizens.

Another class of persons who are derelict in duty it is incumbent on me to bring to your notice. The State has not only been the asylum for the oppressed of every country, but foreigners have been kindly invited to become citizens of the State; and so far has the encouragement been extended that upon simply making the declaration, upon oath, of the intention to become citizens they are entitled to take and hold real estate. It is my stern duty to state that I believe many of the persons who have accepted the privilege thus offered have refused, when called upon, to render military service, and have sought and obtained the aid of their native governments to exempt them from it.

The right to hold and enjoy all real estate should be denied to all such persons, and they should forever be rendered incapable of becoming citizens.

THE CONSCRIPT LAWS

In April last the Confederate Congress, after much investigation, discussion, and deliberation, passed with the utmost unanimity the act known as the Conscript Laws. Very soon after its passage, I was called upon by the general commanding the district to aid in carrying into effect its provisions within the State of Texas in accordance with its terms. Viewing the law as constitutional and convinced that the necessities of the country imperiously demanded its prompt execution, I stopped, not to discuss the good or bad policy of its enactment, but at once accorded permission to the Confederate commander of Texas for his employment of State officers to aid in carrying out its provisions. Under this law requiring the enrollment of persons between 18 and 35 years of age very few were taken; those subject immediately volunteered, thereby swelling the ranks of our armies with great rapidity. Regretting that even one citizen of Texas should have placed himself before the courts in opposition to the law, I am yet happy to say that the Supreme Court of Texas and of other States have

fully sustained my views of the law in deciding it to be constitutional. Whilst acknowledging the right and admiring the zeal of every citizen in adhering to and guarding the rights of the States; and whilst fully appreciating the necessity of preserving unimpaired the rights and dignity attached to a sovereign state; and that it is the duty of the people of the States to see that the agent appointed by them does not abuse or attempt to abuse the powers and rights inherent in the States (for this is the doctrine of the political school of which I am a disciple); yet I recognize the fact that we are engaged in a most desperate and critical struggle, a struggle upon the result of which must depend our existence as a people and which is fraught with all we hold dear of life, liberty, and honor. To insure success, unity of purpose, and action is absolutely necessary between the Confederate and State Government; hence, it follows that every act of any citizen or citizens calculated to weaken the influence of the government or its officers with the people is, in my judgment, giving (although it may be unwittingly) aid and comfort to the enemy. Therefore, since my elevation to the Executive Chair, my great aim has been to aid and cooperate with the Confederate authorities in all things tending to a proper and vigorous prosecution of the war.

I have had no desire to render myself conspicuous by disputing with the civil or military authorities of the Confederate Government on immaterial points; but in every instance where there has been an apparent interference with the rights of the State, or an encroachment upon the functions of the Executive, and the attention of the proper officer has been drawn to it, the cause of complaint has been promptly removed. In military matters there should be one sole head. Under the Constitution and laws I recognize President Davis as that head; and, while he conducts his administration in conformity to the Constitution and laws, he should be sustained and supported by the officers, both State and Confederate, and by the people. Acting upon these views, I have thus far been enabled to work in harmony with the Confederate authorities. I have succeeded in inducing the Government to keep in the field within our State troops adequate for its defense. In filling the various and large requisitions for men made upon me, I have so managed as to furnish the requisite number with

but very trifling outlay on the part of the State, thereby preserving our credit, which may yet be needed for a more vigorous prosecution of the war. In this connection I will remark that from within two months after my inauguration to the present time I could, in the opinion of a vast number of our citizens, have with propriety thrown into the field a force of from five to twenty thousand men. I had no such ambition, unless in connection with imperious duty, and the danger were imminent and pressing. The adoption of such a course would have incurred a debt of millions, exhausted the resources and credit of the State, and up to this time have effected nothing but heavy expense and increased distress among the people. Had I placed such a force in the field, the Confederate Government would have been justified in withdrawing its troops from our borders, leaving us dependent upon the State troops for our defense and protection. I am firmly convinced that to be successful, unity and harmony is essential. God, in His infinite mercy, forbid that we shall ever witness a time in this struggle for existence as a Confederacy when the legislatures or governors of the several states shall attempt to determine the number of troops they will furnish, or to decide when and where they are most needed, the manner in which the campaigns are to be conducted, or the battles fought! Whenever such a course is decided upon and that policy inaugurated, then indeed may we tremble for the result. No! Each and every state must give a cordial and determined support to the Government. The war is waged for the interest of us all. Every battle fought is a battle for the freedom of every state; and if by massing large bodies of troops we can avert invasion from any one state or portions of a state, we shall have done well.

I well recollect that many persons questioned the policy of a man leaving Texas to engage in this war and many believed it could be brought to a successful termination without doing so. Efforts were made to retain within the State those loved, departed, and surviving heroes of the 1st, 4th, and 5th Texas Regiments known as Hood's Brigade, a corps whose gallant conduct on every battle field has done so much to crown our arms with victory and confer lustre upon the Texas name. Since that time Texas has placed in the field near seventy regiments of as good

and true men as ever drew sword or shouldered rifle in defense of liberty against tyranny.

When the history of this war shall be written, the name of Texas will stand forth conspicuous as among the most brave, generous, and chivalrous of any people in ancient or modern times. In sending her boys beyond her own borders, our State did well, and I believe our immediate good has resulted therefrom: for had they been held back for the protection of their own state, the enemy could have spared troops from other points and thrown them upon our soil. To me it is plain that, if, by sending our men to Virginia, Tennessee, Mississippi, Arkansas, or any other distant point, we keep the enemy from our own doors, we are greatly the gainers.

I am far from counselling the leaving of any state, more particularly our own, in a defenseless condition. Nevertheless, I believe it to be the part of wisdom to meet the enemy wherever he masses his men; and should any state for a time be occupied by the enemy, it is preferable to dividing and scattering our grand and efficient armies. Scatter that veteran and glorious army that has so long and nobly fought the battles of the Confederacy on Virginia's sacred blood-stained soil for the protection of every point threatened, and how long, think you, it would be before the hirelings and myrmidons of Lincoln would press on in irresistible strength into North and South Carolina, transferring the bloody ground to those states? Each battle fought in Virginia, Tennessee, Mississippi, or Arkansas is a battle for the freedom of Texas; consequently, when called on, by our President and those great generals who have thus far conducted us victoriously for additional assistance, let us do all that in us lies to respond to the appeal and thereby hurl destruction upon our merciless and hated foe.

COAST GUARDS

In the month of March, 1862, anticipating an invasion of the State, and the Confederate Government having ordered all the available troops to leave the coast, I deemed it advisable to organize a small force to act as scouts and spies in the counties bordering on the Gulf and accessible streams. I authorized the brigadier generals of certain brigades to organize in each of such counties a company

of 25 men to be sworn in for the war, to furnish their own horses, arms, and subsistence. They were to be at all times subject to the control of the brigadier generals. They were, when necessary, to aid in driving stock of the citizens beyond the reach of the enemy, to see that Negroes and other property of the people did not fall into the hand of the blockaders, and generally to perform such duty as the brigadier generals might require of them. They were to receive no pay from the State; the only immunity awarded them was relief from all other military duty. I considered it a good and necessary arrangement for the State.

Some complaints have been made that these companies were useless and should be forced into the army. I know that several of them have rendered valuable service. The Confederate officers with my consent have employed some of these companies, as they inform me, to great advantage. They have at all times been ready to perform any service when called upon by Confederate officers. In justice to the men composing this organization I will state that they were sworn into service long before the passage of the conscript laws. It cannot, therefore, be charged that they sought this service to avoid conscription.

MEETING OF THE GOVERNORS OF THE
CONFEDERATE STATES WEST OF THE
MISSISSIPPI RIVER AT MARSHALL, TEXAS

In July last, the Mississippi River being virtually in possession of the enemy, and the impression being entertained in some quarters outside of Texas that the Confederate authorities were neglecting and abandoning the portion of the Confederacy west of that river; believing such impression to be unjust, and that the Confederate government neither desired nor intended to neglect the Trans-Mississippi state, and that any apparent want of attention to its necessities had arisen from its inability at the time to guard against it; I invited the governors of the states of Louisiana, Arkansas, and Missouri (representing the states west of the Mississippi) to meet me at Marshall, Texas; and after consultation, from that place, make known to the President the true condition of the country and submit for his consideration such plan as we should deem most efficacious in securing the interest of those states. The

Executive of Arkansas was prevented from attending by illness in his family, and Governor Moore of Louisiana by reason of the invasion of that state. I, however, had the honor and gratification of meeting Governor Claiborne F. Jackson of Missouri, than whom a more zealous, indefatigable, and true hearted patriot never existed. God in His inscrutable providence has called him from his sphere of usefulness, and while we bow in submission to the Divine decree, we can not but mourn his loss.

Governor Jackson and myself prepared the necessary papers, forwarded them to Governors Moore and Rector, who most fully endorsed all we had done, and affixed their signatures to the papers, which in due time were delivered to President Davis by our esteemed fellow citizen, Major Guy M. Bryan, then an aide-de-camp to General P. O. Hebert and to whom in all this business much is due for any good that may have resulted from our consultation.

I believe that the objects sought to be attained by us were accomplished. That it was satisfactory in its results to the President, and our members of Congress, I have the evidence in the Executive Office. I have the honor to lay before you the papers connected with this meeting.

THE SURRENDER OF GALVESTON

Much has been said and written in regard to the surrender of Galveston: censure has in some instances been liberally bestowed upon the Executive in connection therewith. I can only say that when the first threat was made by the enemy against the city, I advised and urged determined resistance. On the 7th day of March last when I heard the order had been received by the commanding general from the War Department to send our disciplined troops out of the State, abandon the coast and discharge the 12 months men, I remonstrated and the commanding general most willingly suspended the execution of the order until I could forward a protest to the War Department which I did by special messenger. The War Department yielded the point so far as the disbanding of the 12 months men was concerned; but in a short time thereafter moved many of the troops to the Mississippi.

It was my conviction, until a very short time before its surrender, that Galveston would be vigorously and obstinately defended by the Confederate general.

The State had not a soldier in the field and did not control a single piece of ordnance suitable to its defense. I desire to cast blame upon no one. I will, however, say that with my consent it would never have been surrendered to a naval force destitute of the means of occupying it.

From the moment of the surrender of the city I have urged its recapture continuously. I claim no credit for the great and chivalrous deeds of our brave and noble troops so conspicuously displayed in the recapture of the city. The distinguished general now in command of this military district disclosed to me his plans as Executive of the State and I encouraged and promoted the enterprise in every way in my power, and no heart within the broad limits of the Confederacy beats with more pleasure and glows with more pride at the halo of glory that will encircle the brows of those heroes, whose matchless intrepidity on that occasion on sea as on land has secured their imperishable renown.

I have shown your Honorable Body in a previous part of the message the very large number of men we have in the service. Our government recognizing the right of the majority to govern, the fact is exhibited for the first time in our history of a majority of our qualified electors being beyond the limits of the State. The question arises should they, absent as they are in accordance with the laws of the land and unable to return, be deprived of the right of suffrage? Do they forfeit the rights of citizenship because they are absent battling for the Common good? Can they be disfranchised and the government given up to the minority? My opinion is they should be protected in all their rights of citizenship by the Legislature of the State. I therefore recommend that a law pass with proper restrictions giving to the soldiers of the State in the Provisional Army of the Confederacy, beyond its limits but being otherwise qualified electors, the right to vote in all general elections during the war.

LUNATIC ASYLUM

In consequence of the immense advance in the prices of every article of consumption and the very low price paid for patients by the counties, an additional appropriation will become necessary to sustain this institution.

The institution is only authorized under the law to

charge the county patients two dollars per week. This would not in times of peace and plenty support a patient and at present pays but a small portion of the expense. The rate of board should be increased.

REPORTS OF THE SECRETARY OF STATE

Permit me to call your attention to the reports of the Secretary of State. Many valuable suggestions are made by that officer, which I trust will meet with your approbation.

STATE FINANCES

There was received into the Treasury, on account of State revenue from 1st July 1862 to December 3rd 1862:

To amount on hand January 1, 1862	\$ 13,336.67
From 9-10 State Taxes, licenses, etc.	346,305.39
" sale of Land Scrip	28,138.29
" Sale of State bonds	183,995.07
" financial agent, Penitentiary	148,278.88
" other sources	28,495.78
	<hr/>
	749,080.08
Amount disbursed during same time	746,597.80
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Leaving balance on hand,

January 1, 1863\$ 2,482.28

The Military Board have sold 460 State bonds of \$1000 each from which they realized \$476,422.60 of which amount as above stated they paid to account of State revenue \$183,995.07, leaving them properly chargeable with \$292,427.53.

Under the law to regulate and authorize funding in State bonds approved January 13, 1862, amount funded \$196,000; making in all of loan bonds disposed of 656; 210 bonds remain to the credit of the Military Board to meet contracts made, and future liabilities growing out of contracts.

There has been disbursed from the Treasury in payment of liabilities on military account incurred prior to January 1, 1862, \$837,452.52. Upon liabilities since 1st January 1862 to December 31, 1862, \$509,535.46.

There has been expended on civic account during the same period, including \$55,026.84 on account of the 9th Legislature, \$267,911.25.

The outstanding liabilities of the

State 1st January 1863 are in

8 per cent bonds	\$ 656,000.00
In 10 per cent interest warrants	135,000.00
In Treasury warrants without interest	888,875.72

\$1,679,875.92

Estimated amount of unaudited

claims for military services

prior to 1st January 1862	\$ 150,000.00
For frontier regiment	350,000.00

\$2,179,875.72

Of this amount about \$1,000,000 is in payment of debts and military services incurred prior to 1st January 1862.

It will also be borne in mind that the claims of the State against the Confederate Government will not vary very far from the entire indebtedness of the State.

From the increased demands likely to be made upon the Treasury, the facility with which our citizens can procure the means to pay their taxes and the importance of reducing State liabilities as rapidly as possible thereby appreciating the balance, I feel no hesitation in recommending an immediate increase of the tax to one-half of one per cent of the loan tax.

The receipts likely to come into the Treasury during the year arising from the present rate of taxation and other ordinary sources will amount to about \$500,000; \$300,000 of which will be required for the support of the civil government leaving only \$200,000 for the redemption of unpaid Treasury warrants, the protection of the frontier, and the general defense of the State. A tax of one-half of one per cent would yield \$1,000,000 revenue which would soon relieve the State from financial embarrassment.

The amount of special tax assessed for 1861 amounted to \$112,302.30 of which sum there has been paid in to the Treasury \$90,491.65, being almost as large a percentage as the amount collected in currency.

The fact of the State having pledged her faith to pay the interest on her loan bonds semiannually in specie has caused these bonds to be much sought after, and the Board appointed for that purpose could long since have disposed of the entire amount authorized by law. The Board has, how-

ever, preferred to use them only as the necessities of the Treasury required it thus saving a large amount of interest to the State. I trust the Legislature will not disturb the position which this loan occupies to our people as our citizens readily responded to our wants, and invested their means when solicited in these bonds, relying upon the punctual payment of the interest in specie.

There is now in the Treasury a sufficient sum to meet the interest on the entire million of bonds for one year, and I believe there will be a sufficient amount collected to meet the interest as it becomes due. But to guard against any contingency I trust the Legislature will empower the Comptroller and Treasurer to make such arrangements as will secure a sufficient amount of specie to place it beyond doubt. It can be done very easily, and our faith kept, and our credit sustained.

We know not what a few months may bring forth. The necessities of our country may require us to raise large sums to defend the State. Let us, then, do nothing likely to impair our credit; and when called upon, rest assured our citizens will respond with their last dollar.

I most respectfully suggest that the law authorizing the funding of State warrants in the present loan bonds be immediately repealed. The amount of warrants presented for funding is increasing daily and the fact of our State bonds bearing specie interest causes them to be in greater demand for funding than the bonds of the Confederacy. In the present condition of the country and of the currency, I think 8 per cent interest on a state debt too high, and should you deem it best to continue the funding of State liabilities I would recommend that bonds be issued expressly for that purpose and that they bear 6 per cent interest.

By an act passed at the last regular session of your Honorable Body, Confederate Treasury notes received into the Treasury can only be paid out for military purposes. I presume the object of the law was to secure the most available means for military objects. The facts now show that the State warrants are more appreciated than the Confederate notes; hence I would respectfully suggest that the law be repealed and that Confederate notes be paid out as other funds, for all purposes, because the revenue is principally collected in those notes and there may be times

when they are not required for military purposes and would save the drawing of large amounts of warrants, thereby lessening the amount of State liabilities. There can certainly result no injury to the State from this course.

I believe that by pursuing the course indicated there will be no necessity to put on the market before the regular session of the Legislature an additional number of bonds over the amount now authorized to be sold.

At the last session of your Honorable Body the 16th section of the tax law was amended so as to postpone the forced collection taxes until the 1st day of August succeeding the return of assessment rolls, etc. At that time there was great scarcity of money in the country and it was done to give time to put money in circulation. This delay postpones all settlements with Assessors and Collectors until after the fiscal year which ends in August and causes so much confusion in closing accounts in the Comptroller's office. As there is no longer any necessity for such postponement I respectfully suggest the repeal of the amendment.

It was made the duty of the Executive to present to the Confederate Government for settlement all claims of the State against that government. The Comptroller has been adjusting and paying off all claims properly chargeable to the Confederate Government, preparing the necessary vouchers to sustain the claims, etc. It is expected the account will very soon be ready for presentation and adjustment. I am not advised that any appropriation has been made to liquidate this class of claims.

I respectfully recommend that all soldiers from the State in the Confederate service whose property amounts to less than \$5000 be relieved from the payment of the poll tax during the time they remain in the army. Also that a reasonable amount of their property be exempt from taxation and that the property of no soldier, while he is in the service of the Confederate States, shall be sold for taxes.

PUBLIC LANDS

Let me suggest the policy of withdrawing from sale, except to actual settlers, all public lands until peace is restored.

THE ESTRAY LAW

I beg leave to call your attention to the law regulating estrays; it should be either repealed entirely or amended. I have reason to believe that it is very much abused; and that the stock of parties absent in the service is being preyed upon under its operation. I am of opinion that no stock should be estrayed during the war unless it be established that by its running at large works an injury to the property of the party proposing to stray the animal or animals.

RECONSTRUCTION

The people of the North and some few deluded fanatics in our own section entertain the opinion that the old union can be reconstructed. To me, and I hope to every other true Southern man, the idea must be shocking and revolting. God forbid that our noble land, purified, redeemed from Northern rule and corruption by the fire of a hundred battle fields, rebaptized in the blood of our noblest sons, should be doomed to such a fate. The safety, purity, and virtue of our political and social system are to be maintained alone in the integrity by a rigid exclusion now and forever of all abolition or Yankee communities. The admission of a single free state, like the dead fly in the precious cup of ointment, will corrupt and vitiate the whole mass. I am of the opinion therefore that the Confederate Constitution should be so amended as to exclude any state from becoming a member of the Confederacy that does not allow and protect Negro slavery among its people; and that any state belonging to the Confederacy that shall abolish the institution of Negro slavery within its borders shall *ipso facto* cease to be a member thereof.

I would recommend an expression of opinion from your Honorable Body upon this vital question; for it does not require the eye of a prophet to foresee that some of the Western states, baffled in their hellish attempts to subjugate our proud and noble people and guided by their lust of gain, will revolt from the Eastern masters and beg to be admitted members of our Confederacy.

APPROPRIATIONS FOR MILITARY CONTINGENCIES

I would respectfully recommend that ample appropriations for all military contingencies be made. They would,

of course, only be used in case of great and pressing necessity. It is a matter of great economy for the government to pay at all times for what is required in cash.

SPECIAL TERMS OF THE DISTRICT COURT FOR THE TRIAL OF CRIMINAL CAUSES

In the present condition of the country there is but little doing in our courts beyond the trial of criminals which can only be done by our district courts every six months. I believe, were the Legislature to authorize the judges of the district courts to hold special terms or quarterly courts for the trial of all criminal causes after indictment found, it would have a very beneficial effect at this time. The citizens would not be so likely to take the law into their own hands, which I regret to say, has been done on several occasions within the last few months.

CONCLUSION

I cannot but congratulate you gentlemen on the general health and prosperity of our State. I feel that we are greatly indebted to Divine Providence for the privilege we this day enjoy in being permitted to assemble in our own state and at our own capitol unharmed and unmolested to transact the public business entrusted to us by a confiding constituency. Several of our sister states, I deeply regret to say, do not enjoy the same immunity.

The old year closed brightly for us and the new year opened most propitiously. Let us be hopeful, watchful, prayerful—let each and every one of us determine to forget self and by precept and example encourage every man in the broad land to devote himself, his means, and his abilities to the service of his country! Let us give to our government, the government of our choice and affection, our earnest support! Let us sustain and cherish that Patriot-Warrior-Statesman—whom we unanimously and with one accord selected to preside over our destinies and to guide our Ship of State through the turbulent sea of revolution—who by his ability, energy, and devoted assiduity to the welfare of the country and interests of the people deserves a nation's gratitude! Let us with heart and soul resolve to rally around those brave and gallant captains who daily lead our invincible and ardent bands to victory! Let us continue to fill up their ranks upon their demand, should

it take our last man and our last dollar, looking neither to foreign nations or to the corrupt democracy of the North for aid! Depending alone upon God, our strong arms and brave hearts, victory will soon perch upon every banner and an honorable peace be conquered!

And now gentlemen it may not be unfit for me to declare that it is not my intention to seek a reelection to the position I now occupy. Constantly, strenuously, and to the best of my ability have I attempted to perform the duties growing out of my position; with what success my official record must determine. I must obey the impulses of my own heart and they counsel me to join the ranks of our chivalrous soldiers now battling and dying for our independence. I feel that one who has done as much to inaugurate the present momentous and sanguinary struggle should take a greater part than he has hitherto been allotted to my share in its dangers, privations, and hardships.

Permit me to say that I trust your stay at the capitol will be pleasant—that harmony may prevail in your counsels and deliberations and great good result to the country from your action.

Having performed your necessary labors, I trust you may safely return to your homes and families, enjoying happiness and prosperity.

(signed)

F. R. Lubbock

Mr. Hays of Smith presented the petition of Robert Hughes on the contest of the election of P. A. Thurmond which on motion was received.

Mr. Cone moved that one thousand copies of the Governor's message be printed for the use of the House.

On motion of Mr. Cone, the House adjourned to 10 A.M. tomorrow.

February 6, 1863

House met, roll called, quorum present, Journal read, corrected, and adopted.

The following gentlemen came forward, presented their credentials and took the oath, viz., N. B. Charlton, and Jessie Walling.

Mr. Perry presented the certificate of election from

the Chief Justice of Freestone County of Mr. Moores' election. Mr. Potter moved to refer it to the Committee on Privileges and Elections. Carried.

Mr. Flewellen presented the resignation of Mr. Cartwell as Doorkeeper. Nominations for the office were ordered. Mr. Flewellen nominated Mr. Mangum; Mr. Townes nominated Mr. Hamby. Mr. Cone and Mr. Harwell were appointed tellers. Upon counting the vote, Mr. Mangum received 34 votes and Mr. Hamby received 31 votes; Mr. Mangum having received a majority was declared duly elected Doorkeeper for the present session. He appeared and was sworn.

Mr. Hill appeared and took his seat.

Messrs. Blanch, Smith, and Ewing were substituted on the Finance Committee.

Messrs. Walling and Holland of Grimes were substituted on the Committee on Private Land Claims.

Messrs. Hunt and Todd were substituted on the Committee on Education.

Messrs. Todd, Camp, and Blanch were substituted on the Committee on Internal Improvements.

Messrs. Todd, Reid of Victoria, Foote and Charlton were substituted on the Committee on the Penitentiary.

Mr. Way was substituted on the Committee on Claims and Accounts.

Messrs. Bagby and Todd were added to the Committee on Public Buildings.

Messrs. Bethel, Thurmond, Wade, Blanch, and McKie were substituted on the Committee on Public Lands.

Messrs. Mathews, Thurmond, Flint, Flewellen, and Hunt were substituted on the Committee on Confederate Relations.

Mr. Hall was substituted on the Committee on Printing.

Messrs. Evans, Alford of Tarrant, Bethel, and Thurmond were substituted on the Committee on Public Debt.

Mr. McCoy was substituted on the Committee on Land Office.

Messrs. Wade, Foote, Daugherty, and Goodnight were substituted on the Committee on Indian Affairs.

Messrs. McKie, Alford of Tarrant and Alford of Trinity [were substituted] on the Committee on County and County Boundaries.

Messrs. Junker, Evans, and Reid of Victoria were sub-

stituted on the Committee on State Affairs.

Messrs. Wade, Foote, and Bush were substituted on the Committee on Improper Bills.

Messrs. Mathews, Willis, Williams, and Holland of Grimes were substituted on the Committee on Enrolled Bills.

Mr. Bethel was substituted on the Committee on Contingent Expenses.

Messrs. Junker and Hunt were substituted on the Committee on Slaves and Slavery.

Messrs. Camp, Hooker, and Way were substituted on the Committee on Roads, Bridges, and Ferries.

Messrs. Hooker, Goodnight, and Thurmond were substituted on the Committee on Stock and Stock-raising.

Messrs. Magill, Beall, McCoy, and Foote were substituted on the Committee on Agricultural Affairs.

Messrs. Randolph and Wade were substituted on the Committee on Retrenchment and Reform.

Mr. Potter was substituted on the Committee on the Comptroller and Treasurer.

Messrs. Way, Ewing, and Buckholts were substituted on the Committee on Privileges and Elections.

Mr. Flint presented the memorial of T. C. Frost which was referred to the Committee on Private Land Claims.

Mr. Alford of Trinity presented the petition of the Assessor and Collector of Anderson County which on his motion was referred to a Committee of five cast by the Speaker, to wit: Messrs. Alford of Trinity, Potter, Ewing, Holland of Grimes, and Flint.

Mr. Williams presented the petition of D. B. Martin. Referred to the Committee on State Affairs.

Mr. Cocke presented the petition of William Longworth which on motion was laid on the table.

Mr. Holland of Grimes offered a resolution "that the House should not consider at the session any private or local measures but such only as the present condition of the public interest required," which was adopted.

Mr. Randolph moved a reconsideration of the vote on the resolution of Mr. Holland of Grimes just adopted.

Mr. Holland of Grimes moved to lay the motion to reconsider the vote on his resolution on the table until the 1st of March next, pending the consideration of which the House adjourned till 3 P.M.

3 P.M.

House met. Mr. Holland of Grimes withdrew his motion to lay on the table, whereupon the question on the motion of Mr. Randolph was put and carried.

Mr. Cone offered the following resolution, viz., **Resolved**, That no private relief bills of any character should be received by the House during the present session unless by a vote of three-fourths of the members present, which was adopted in lieu of the original resolution of Mr. Holland of Grimes.

Mr. Potter presented the memorial of Mr. Kyle in reference to the estate of B. F. Tenydes which was referred to the Judiciary Committee.

Mr. Bush offered a resolution to create the office of Chaplain for the House which was adopted; whereupon Messrs. Reese, McCall, and Browne were put in nomination and on ballot and Mr. Reese received 55 votes, McCall 7 votes, and Browne 3 votes. Reese having received a majority was declared duly elected Chaplain of the House for the present session.

Mr. Slaughter moved that the House proceed to the election of Second Assistant Clerk which, being carried, Mr. Buckholts put in nomination Thomas Freeman, who on ballot received 65 votes which being a majority Mr. Freeman was declared duly elected Second Assistant Clerk for the present session.

On motion of Mr. Holland of Grimes, the Speaker appointed a special committee of five, to wit: Holland of Grimes, Williams, Broaddus, McCoy, and Todd, in conformity to the recommendation in the Governor's message to act in conjunction with a committee from the Senate to examine into the acts of the State Military Board.

On motion of Mr. Cone, the Governor's message was referred to the appropriate standing committees.

Mr. Alford of Trinity presented the petition of citizens of Anderson County, which was referred to the Committee on Finance.

Mr. Maverick presented a joint resolution for disbanding the State Troops called out by the Governor on November 11 and December 11, 1862, which was referred to the Committee on State Affairs.

Mr. Broaddus offered a joint resolution tendering thanks to General Magruder, his officers, and men under

him for gallant conduct at Galveston on the 1st January last and that this resolution be communicated to General Magruder by the Executive of the State.

Mr. Ewing presented a resolution to authorize the Committee on Printing to have one hundred copies of the Rules of the House printed, which was adopted.

Mr. Holland of Panola presented a bill to relieve persons now in the service of the country and hereafter to enter therein, whose taxable property does not exceed \$15,000.00, from taxation.

Mr. Blanch presented a bill for relief of Judge Frazer. Declared out of order.

Mr. Blanch presented a bill for relief of John B. Webster of Houston. Declared out of order.

Mr. Holland of Grimes presented a resolution to authorize and require the Sergeant-at-Arms to procure for the use of the House all usual necessities. Adopted.

On motion the House adjourned to 9 A.M. tomorrow.

House of Representatives of the
State of Texas, February 7, 1863

House met, prayer by Chaplain, roll called, quorum present, Journal read, amended, and adopted.

Mr. Flint presented the memorial of Robert Miller, Assessor and Collector of Bell County. Referred to the Committee on Finance.

Mr. Simpson presented the petition of citizens of Bexar, Comal, and Guadalupe counties. Referred to the Committee on Stock and Stock-raising.

Mr. Clements presented the petition of citizens of Lamar County to stop interest. Referred to the Committee on Finance.

Mr. Walling presented the memorials of the Assessor and Collector of Rusk County. Referred to the Committee on Finance.

Mr. Broadbuss, Chairman of the Committee on Privileges and Elections, presented a report recommending that Wm. B. Moores be admitted to take the oath and his seat. Received.

Mr. Randolph offered a resolution to raise a committee of seven to act with a like committee from the Senate to investigate the affairs of the penitentiary. The Chair appointed Messrs. Randolph, Foote, and Flint. Mr. Maverick moved to amend by striking out "seven" and inserting

“three” in place of “seven.” Amendment accepted and resolution adopted.

Mr. Flint presented a bill to suspend all laws for estraying stock until six months after the close of the present war. Referred to the Committee on Stock and Stock-raising.

Mr. Maverick offered a joint resolution for the establishment of an express between the Rio Grande and the Mississippi. On motion, rules suspended, read 1st and 2nd times and passed.

Mr. Ewing offered a resolution to authorize the Committee on Contingent Expenses to contract with the Postmaster at his place for the transmission of letters, papers, and public documents through the mail for the benefit of the members of the House.

Mr. Randolph moved to lay the resolution on the table. Lost and resolution adopted.

Mr. Hays offered a resolution to require the Sergeant-at-Arms to rearrange the seats of members. Laid on the table.

Mr. Reid of Victoria offered a resolution to prohibit the circulation of individual change notes. Adopted.

Mr. Holland of Grimes offered a resolution requesting the governor to furnish to the House all the information in his possession, as governor or as chairman of the Military Board, touching the state's cotton, to wit: How much cotton has been purchased under an act of the last legislature? By whom purchased, and at what price? Also, what disposition has been made of it (if any); to whom sold, by whom sold; and at what price? Adopted.

Mr. Hunt offered a resolution authorizing the Doorkeeper to employ three porters to wait on the House. Adopted.

Mr. McNeill presented a bill to amend the 2nd section of an act passed by the Ninth Legislature exempting all public millers of two years standing from military duty. Read 1st time and referred to the Committee on State Affairs.

Mr. Taylor of DeWitt County presented a bill to prevent the sale of property for the payment of the Specie Tax. Read 1st time and referred to the Committee on Finance.

Mr. Perry was granted leave to withdraw the evidence accompanying the report of the Committee on Privileges

and Elections in the case of Wm. B. Moores.

Mr. McNeill presented a bill donating to each soldier that has been, is at the time, or may hereafter become a soldier of the Confederate States, 160 acres of land. Read and referred to the Committee on Public Lands.

Mr. Parker presented a bill concerning offices. Read 1st time and referred to the Committee on State Affairs.

Mr. Holland of Grimes offered a resolution requiring the Committee on Finance to prepare a bill providing for the ample support of the families of the Texas soldiers who are now, or who may hereafter volunteer in the service, including all dependent on one soldier for support. Amended by Mr. Potter that the Committee be requested to consider the above suggestions and report by bill or otherwise. Amendment accepted. Resolution read and adopted.

Mr. Camp offered a resolution alleging that all [Texans] disapprove of the exemption bill recently passed by the Confederate Congress. Read and referred to the Committee on Confederate Relations.

Mr. Williams presented a bill to amend the nineteenth and twentieth sections of an act of March 20, 1848, pertaining to estates of deceased persons. Read 1st time and referred to the Committee on Judiciary.

Mr. McCoy presented a bill to incorporate the Dallas Male and Female College. Mr. Holland of Grimes moved to lay on the table and lost. Read 1st time and referred to the Committee on Education.

On motion of Mr. Goodrich the Senate bill authorizing the holding of the spring term of the Supreme Court for the District of Galveston at Austin was taken up, read 1st time. Rule suspended, read 2nd time, and passed.

Messrs. Randolph, Flint, and Foote were added to the Committee on the Penitentiary.

Mr. Todd presented a bill to exempt the homesteads of soldiers who have been maimed or disabled for life, from taxation. Read 1st time and referred to the Committee on Finance.

Mr. Hill, chairman of the Committee on Engrossed Bills, reported a joint resolution providing for a "Pony Express" correctly engrossed. Report received.

Wm. B. Moores came forward, was sworn, and took his seat.

Mr. Cone offered a resolution requesting the Governor

to loan to the ladies of the City of Austin, who are to give an exhibition for the benefit of Sibley's Brigade, the piano in the Executive Mansion. Read and adopted.

Mr. Blanch offered a resolution requiring the Committee on State Affairs to inquire into the expediency of enacting a law empowering the Governor to take possession of all the salt deposits, salt lakes, and salines within the State and to provide for the manufacture of salt. Read and adopted.

Mr. Townes presented a bill to incorporate the Jackson Manufacturing Company. Read 1st time and referred to the Committee on State Affairs.

On motion of Mr. Potter, the joint resolution reported from the Senate tendering thanks and praises to our soldiers in the field for the sacrificing devotion to their country and pledging the faith of the State for the support of their families was taken up, read, rule suspended, read 2nd and 3rd time, and passed.

Messrs. Townes, Ewing, Dillahunty, and Buckholts were added to the Committee on the Judiciary.

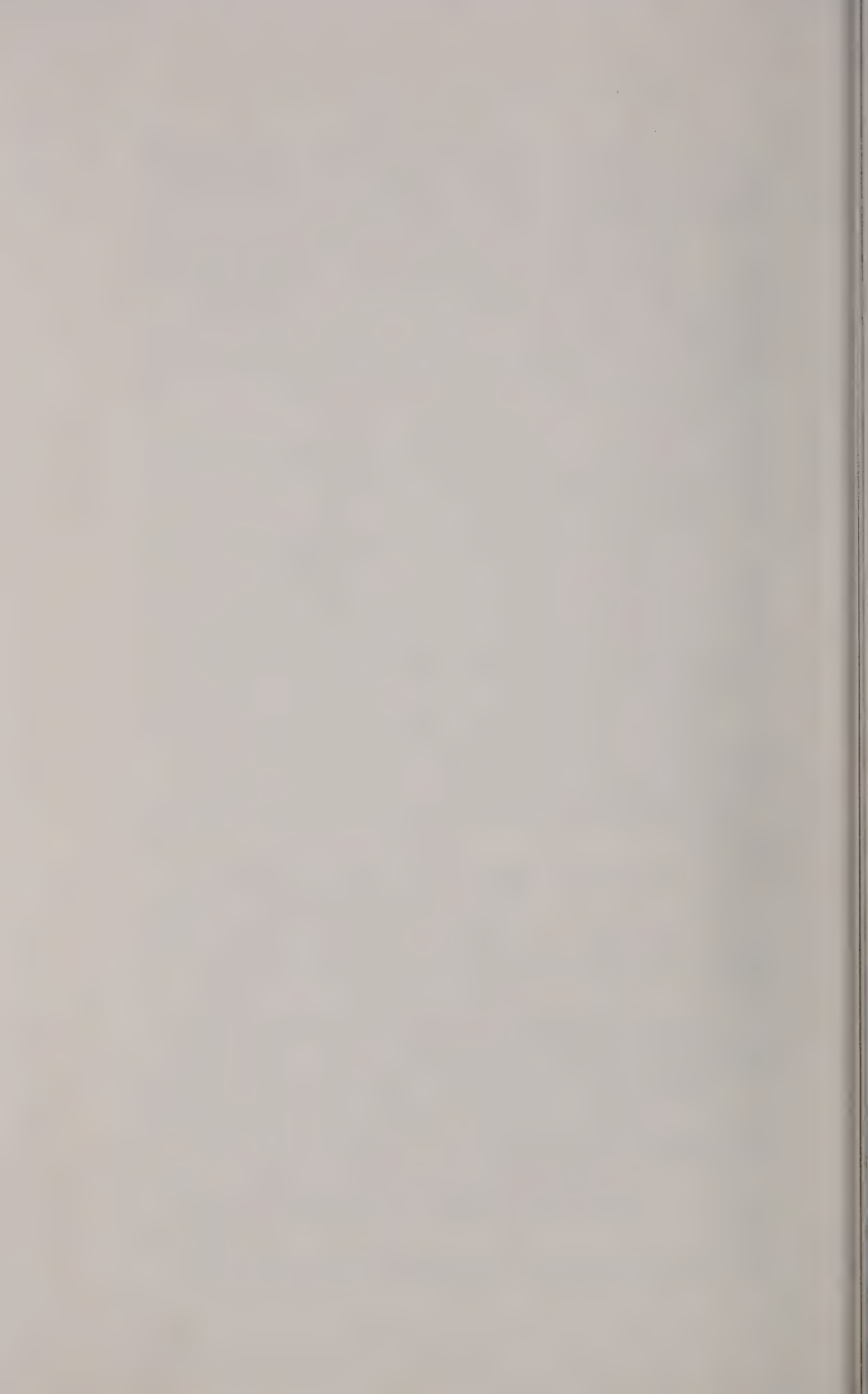
On motion the House adjourned to 10 A. M. Monday morning.

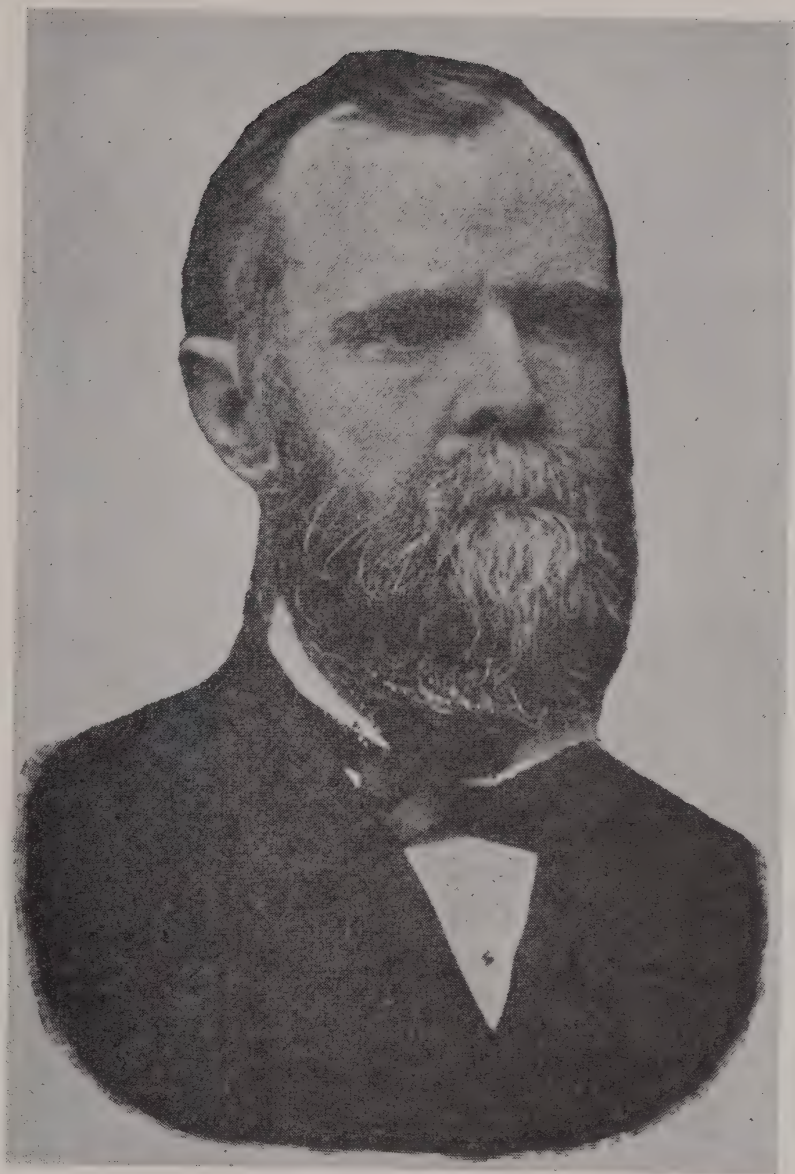
House of Representatives of the
State of Texas, February 9, 1863

House met, prayer by Chaplain. Roll called, quorum present, Journal read, amended, and adopted.

Messrs. Richardson, Hale, and Marshall came forward, were sworn, and took their seats.

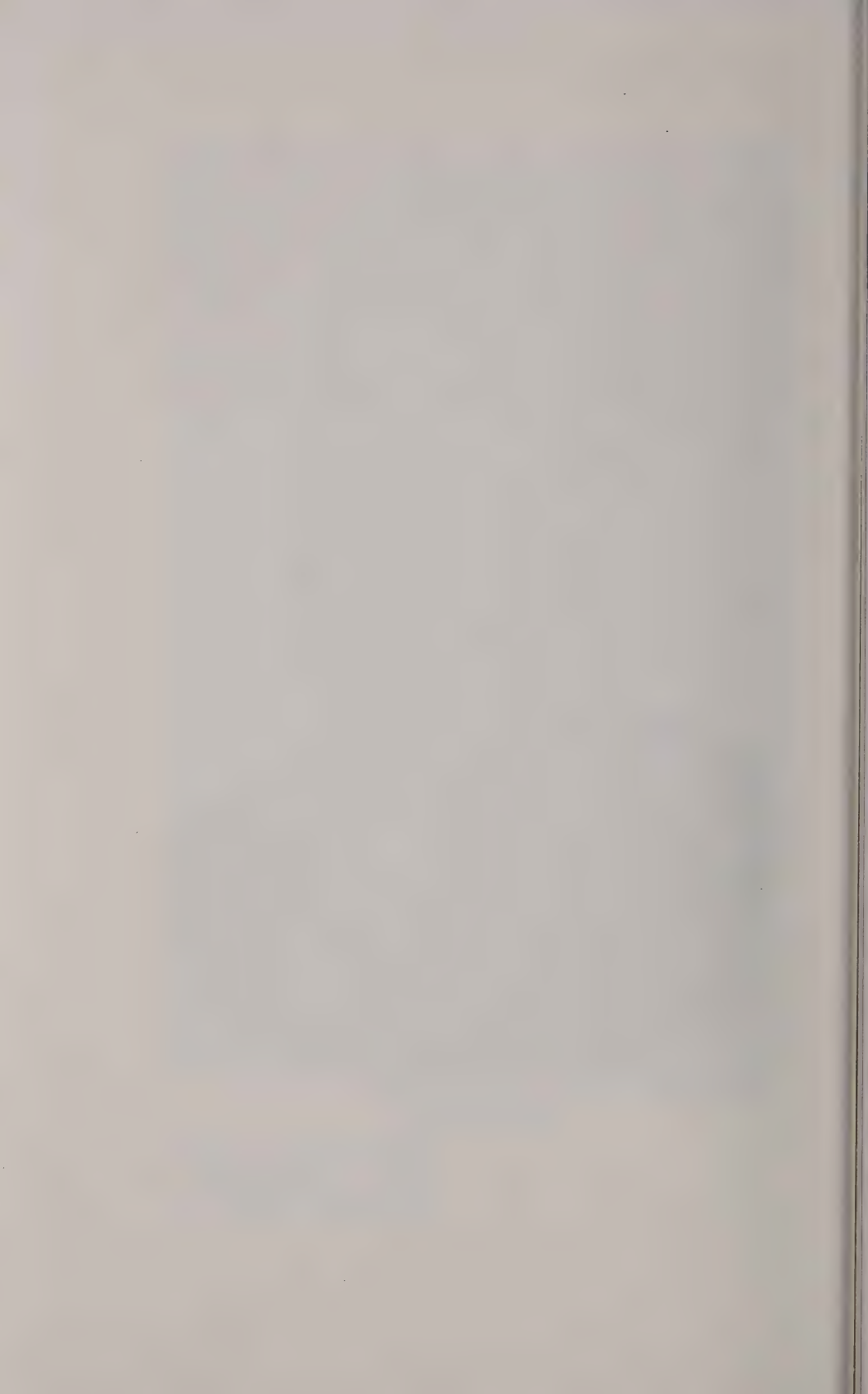
Mr. Staehely presented the petition of citizens of San Patricio and other counties. Referred to the Committee on Stock and Stock-raising.

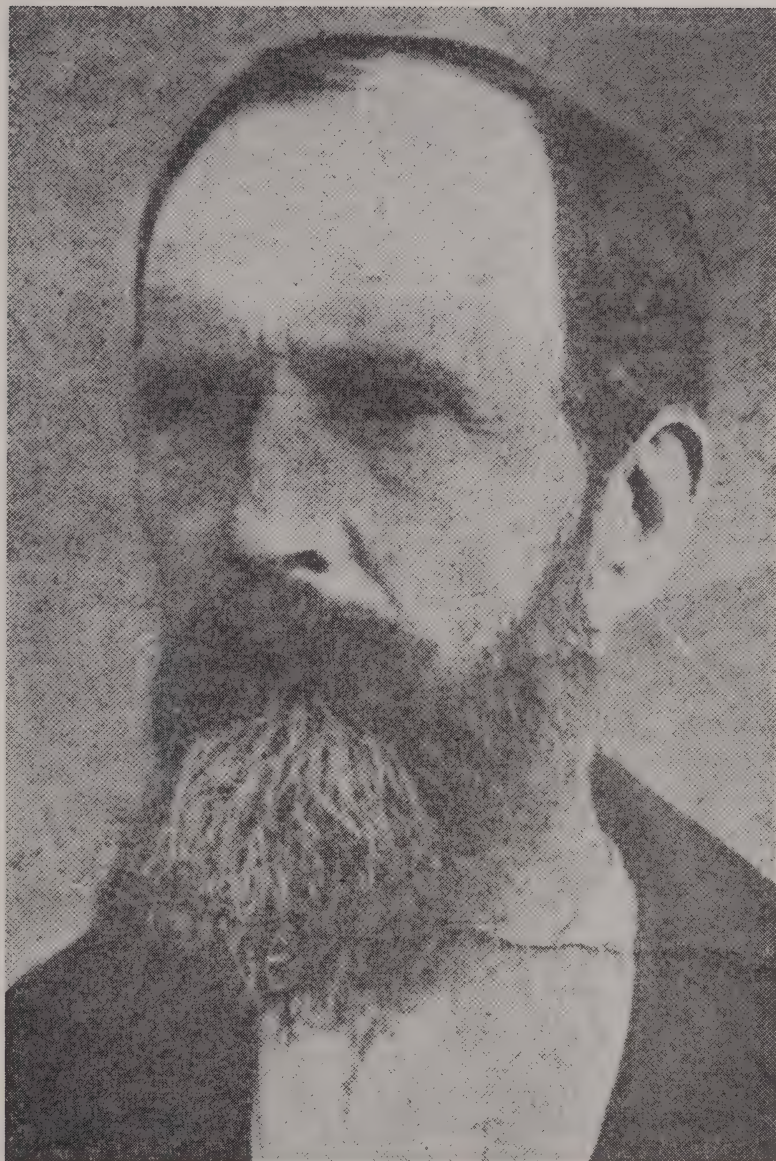




A. S. Richardson

Photograph from J. C. Kidd,
History of the Grand Com-
mandery, Knights Templar of
Texas (Houston: Dealy and
Baker, 1899), opposite p. 71.





John W. Hale

Photograph from Cliff D. Cates,
Pioneer History of Wise County
(Decatur, Texas [n.p], 1907),
302.

The chairman of the Committee on Enrolled Bills reported that the Committee has examined the bill in reference to an express line between the Rio Grande and Mississippi and found it correctly engrossed. Report received.

Mr. Cone presented the petition of citizens of Harris County in relation to Peter Allen, a free man of color.¹ Re-

¹The petition of Peter Allen is as follows:

To the Honorable "The Legislature of the State of Texas"

The Petition of Peter Allen a free man of Color, aged about 49 years and by Profession a Barber respectfully represents.

That he has been a resident of the City of Houston in the County of Harris and State of Texas, for the past seventeen years during all of which time, he has endeavored to conduct himself honestly, soberly, and industriously, and by his correct and upright deportment, he believes he has won for himself the good opinion of all who know him—That he was born and raised in the south and that all his interests, sympathies and feelings are in the land of his nativity—That for more than eight months of the past year he was attached to Terry's Regiment in the service of an Officer of that Regiment, and your Petitioner has been repeatedly complimented for the good and efficient service rendered his country upon the Battlefields of Woodsonville and Shiloh, of which his modesty forbids him speak—

In consideration of all which your Petitioner would deem it a peculiar hardship should he be required to leave this State at this time. Wherefore he humbly prays that a special act of the Legislature be passed for his relief allowing him to remain in this State—

And your Petitioner will ever pray

his
Peter x Allen
mark

We the undersigned citizens of Harris County have known Peter Allen for many years past and take pleasure in certifying to his correct deportment. We believe him to be honest, sober and industrious, and recommend his Petition to the favorable consideration of the Legislature.

A. M. Gentry
Jno. C. Cutter
W. A. Van Alstyne
Wm. T. Austin
W. R. Baker
A. Groesbeck
Allan C. Gray
T. M. Bagby
J. E. Tiller
Thos. H. Harris
S. A. Stiles
P. C. Baldwin
M. A. Levy
P. Reynaud
B. P. Buckner
C. C. Speers

T. W. House
Geo. Goldthwaite
C. E. Gregory
W. M. Rice
Robt. Brueston
P. Bremond
A. Sepurns
J. W. Henderson
G. M. Bringham
Wm. Clark
William Anders
J. B. Dart
R. G. Will's
W. J. Curchins
T. B. S. Hadley
W. McDade
James Willie
T. A. Jackson

Petition of Citizens
of Harris County
Feby 9th, 63 - Refer to
Slaves and Slavery

Cone

ferred to the Committee on Slaves and Slavery.

Mr. Alford of Trinity presented the petition of Carro M. Quarles to remove disability. Laid on the table.

Mr. Holland of Grimes offered a resolution asking further time for the Committee on the Military Board to make their report, and calling for a report from the Military Board through the House. Adopted.

Mr. Randolph presented a bill providing for the construction of an armory within the walls of the State Penitentiary. Referred to the Committee on Military Affairs.

Mr. Alford of Trinity offered a resolution in reference to the raising of cotton during the war and requesting the Committee on Finance to enquire into the expediency of introducing a bill on the subject. Referred to the Committee on Finance.

Mr. Broadus offered a joint resolution pledging the faith of the State for her proportion of the Confederate debts. Referred to the Committee on Finance.

Mr. Way presented an act to provide for the support of the families of Texan soldiers. Read and referred to the Committee on Finance.

Mr. Alford of Trinity presented a bill to be entitled an Act to relieve the officers, non-commissioned officers, and privates of the Confederate Army from the payment of a poll tax. Read and referred to the Committee on Finance.

Mr. Alford of Trinity presented a bill to be entitled an Act suspending until the 1st day of January A. D. 1865, the collecting of the Specie Tax. Read and referred to the Committee on Finance.

Mr. Potter offered a joint resolution in relation to the indebtedness of the Confederate States. Read and referred to the Committee on Finance.

Mr. Blanch offered a joint resolution in reference to our currency and calling for an amendment of the Constitution of the Confederate States. Read and referred to the Finance Committee.

Mr. Thurmond presented an act to be entitled an Act to provide for the support of the families of our soldiers. Read and referred to the Committee on Finance.

Mr. Hunt offered a resolution asking the Committee on Public Printing to contract for newspapers for the use of the members of the House. Rejected.

Mr. Buckholts offered a bill for the relief of parties holding land under Daniel Monroe. Read and referred to the Committee on Public Lands.

Mr. Hays presented a bill to amend section 2nd of an act to perfect the organization of the State Troops. Read and referred to the Committee on Military Affairs.

Mr. Potter offered a bill to revive and continue in force an Act entitled an Act to Incorporate the Galveston & Houston Junction Railroad Company. Approved April 8, 1861, and to amend the same Act. Read and referred to the Committee on Internal Improvements.

Mr. Bush presented a bill for closing the General Land Office until six months after the war. Read 1st time and referred to the Committee on Public Lands.

Mr. Simpson presented a bill providing for the issuance of land certificates to railroad companies entitled to receive them. Read 1st time and referred to the Committee on the Land Office.

Mr. Porter presented a bill in relation to judicial proceedings in counties in possession of or endangered by the enemy. Read 1st time and referred to the Committee on Judiciary.

Mr. Potter presented a bill to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the public domain, approved February 11, 1858, approved January 1st, 1862. Read first time and referred to the Committee on Public Lands.

Mr. Flint presented a bill to amend article 745a of the Penal Code of the State of Texas. Read first time and referred to the Committee on the Judiciary.

Mr. Goodrich presented a bill concerning aliens. Read 1st time and referred to the Committee on Judiciary.

Mr. Hays presented a bill to amend Section 1st of an act authorizing the County Courts of the several counties in the state to lay and collect a special tax for war purposes on all property subject to taxation by the state. Read 1st time and referred to the Committee on Judiciary.

Mr. Palmer offered a resolution that the Committee on Finance be requested to enquire into the expediency of the Legislature's taking some action in response to that part of President Davis' message recommending the several States to guarantee proportionately the bonds of the Confederate States and report by bill or otherwise. Read 1st

time and adopted.

Mr. Moores offered a resolution relating to the Penitentiary. Read and referred to the Committee on Penitentiary.

Mr. Palmer offered a resolution requiring the House to meet at 9 A.M. each day. On motion of Mr. Cone the resolution was laid on the table.

A message from his Excellency the Governor accompanied by the following copies of Resolutions from the State of Florida was announced, received, and read, to wit: lost. Resolution to guarantee the States the debt of the Confederate Government. Approved December 15, 1862. Read and referred to the Committee on Confederate Relations.

On motion, Mr. Cone, Mr. Todd, and Mr. Richardson were added to the Committee on Finance.

Mr. Broaddus offered a joint resolution in reference to planting cotton and the conduct of speculations. Mechanics, merchants, and planters who take advantage of the present condition of the country and charge unreasonable prices for labor, goods, and provisions and recommending that the Governor sign a proclamation in reference thereto. Read 1st time. Constitutional rule further suspended, read 3rd time, and passed.

On motion of Mr. Flewellen, Messrs. Richardson, Foote, Cocke, and Costley were added to the committee on Military Affairs.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representative of the
State of Texas, February 10, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal read, amended, and adopted.

Mr. Speaker by leave of the House presented the petition of sundry citizens of Matagorda County. Referred to the Committee on Finance.

Mr. Potter presented the following reports, to wit:

Committee Room
Austin, February 10, 1863

To the Speaker of the House of Representatives:

The Judiciary Committee have reconsidered a House Bill to be entitled an Act in relation to judicial proceedings in the present condition of public affairs, it is not only

pendent but necessary that provision should be made for guarding the interests of our people in such emergencies as those contemplated in the bill, as the Committee are of the opinion that the Bill under consideration provides the proper remedy, they herewith return the same to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

Committee Room

Austin, February 10, 1863

To the Speaker of the House of Representatives:

The Judiciary Committee have considered the petition of the Executors of the estate of Colonel Benjamin F. Terry in relation to certain devise contained in the will of said Terry. The petition contains a full statement of the matter and the relief sought; and the committee being of the opinion that the prayer of the petition should be granted herewith report a bill for the purpose and recommend its passage.

M. M. Potter, Chairman

viz., an Act to release to the heirs of Colonel Benjamin F. Terry all the right title and interest of the State of Texas in and to the property owned by the said Terry at the time of his death; and devised by his last will. Read 1st time. Report received. Read 1st time. The following report was made by Mr. Williams for the Chairman of the Judiciary Committee.

Committee Room

February 9, 1863

To the Honorable C. W. Buckley,
Speaker of the House of Representatives:

The Judiciary Committee have examined the bill to be entitled an Act to amend the 19th and 20th sections of an Act to regulate proceedings in the County Courts pertaining to the estates of deceased persons: and direct me to report that they concur in the propriety of amendments proposed; and further that they believe that the 47th section of the same law requires amendment; but is not provided for in the bill referred to them. They therefore report the accompanying bill in lieu of the one referred and recommend its passage.

Frank E. Williams,
for the Committee

viz., a bill to amend the 19th, 20th, and 47th sections of an Act to regulate proceedings in the county court pertaining to estates of deceased persons. Report received. Read 1st time.

Mr. Todd introduced a bill entitled an Act to regulate proceedings before the Justice of the Peace within the corporation of the town of Jefferson. Read and referred to the Judiciary Committee.

Mr. Goodrich introduced a bill to pay sheriffs in certain cases. Read and referred to the Committee on Slaves and Slavery.

Mr. Alford of Trinity introduced a bill to be entitled an Act to authorize and empower the Governor to suppress the distilling of spirituous liquors in this state, as a nuisance during the continuance of the present war. Read and referred to the Committee on State Affairs.

Mr. Blanch introduced a bill prescribing the residence of county surveyors. Read and referred to the Judiciary Committee.

Mr. Richardson introduced a bill to be entitled an Act to amend Article 190a of the Court of Criminal Procedure. Read and referred to the Judiciary Committee.

Mr. Cone introduced a bill to be entitled an Act to amend an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856. Read and referred to the Judiciary Committee.

Mr. Foote introduced a bill to be entitled an Act to amend the Penal Code. Read and referred to the Judiciary Committee.

Mr. McKie introduced a bill to regulate the distillations of ardent spirits. Read and referred to the Committee on State Affairs.

Mr. Broadus introduced a bill to authorize the employment of certain portion of the slaves in the state to work on fortifications. Read and referred to the Committee on Military Affairs.

On motion of Mr. Shelton, Mr. Flint was added to the Committee on Stock and Stock-raising .

On motion of Mr. Taylor, Mr. Reid of Victoria was added to the Committee on Agricultural Affairs.

Mr. Potter introduced a bill to be entitled an Act to suspend all statutes of limitation on civil rights of actions of every kind whether real or personal until one year after

the close of the war between the United States and the Confederate States. Referred to the Judiciary Committee.

The following message from His Excellency the Governor was announced and received, to wit:

Executive Department

Austin, Texas, February 10, 1863

Gentlemen of the Senate and the House of Representatives:

I have the honor to present to you the battle flags of the 4th and the Regimental Colors of the 5th Regiments of the Texas Volunteers of the Army of Virginia.

These Flags, the rallying points of their Regiments on many a sanguinary and hotly contested field, was sent me by their respective Colonels in the name of and on behalf of the officers and men, to be preserved among the archives of the State, as testimonials of the gallantry of her sons who have fought beneath their folds. Now torn and tattered in condition, mementoes of the battles of Elthams' Landing, Seven Pines, Gaines' Farm, Malvern Hill, Freeman's Ford, Manassas Plains, Boonsboro Gap and Sharpsburgh; they attest the destructive fire through which they have been born to victory, and have prevented their further use.

In his eloquent and touching language, Colonel now General [Jerome B. Robertson] Robinson of the 5th says: "I send this flag to you to be deposited among the archives of the State with the hope that, as the sight of it to us amidst the battle's furious storm has cheered and nerved us to bear it on to victory, so may a view of it, by those who may come after us, nerve them to sustain with the same unflinching devotion, that Liberty it symbolizes."

And with equal eloquence the gallant Lieutenant Colonel [Benjamin F.] Carter, in requesting that war-worn flag of the noble 4th be similarly deposited, thus expressed himself: "I need not dwell upon the services of my Regiment: its deeds in battle will go into the history of our country and speak for themselves, and this silent witness bears eloquent evidence that the men who followed it in action were where shot fell thick and death was in the air. You will readily believe, Governor, that we part with the old flag with painful feelings. More than five hundred of our comrades-in-arms have fallen beneath its folds, and it is to us an emblem of constancy under multiplied hardships, gallantry and dauntless courage in storm of battle,

and devotion unto death to our cause. Let it be preserved sacredly that the remnant of our little band may, in future days, while gazing on its battle-stained colors, recall to mind the sufferings they have endured in their country's cause, and their children be incited to renewed vigilance in the preservation of those liberties for which we are contending."

The colors of the 1st, borne with equal gallantry to victory on the same fields of battle, was lost amid the carnage of Sharpsburgh. Color bearer after color bearer was struck down in a charge upon the enemy through a corn field. All fell but seven of the Color Company, and the Companies on its right and left were terribly shattered. Midst the turmoil, the flag was not missed; its loss was discovered only when the regiment reformed after the attack. Search was made, but without success. The enemy had it not. It doubtless lay buried beneath the heaps of noble dead, whom, living, it had ever conducted to victory and as if loath to separate from its dauntless defenders, sank with them in death.

Yes! let these rent and tattered banners be indeed sacredly preserved, and incite those who gaze upon them to emulate **their** deeds, who bore them without shame.

And when peace shall have descended upon our suffering Country, and as pilgrims we visit the sacred shrine in which they are deposited, let us tell to our children that those who perished in their defense died not in pursuit of military glory, but to preserve the blessings of liberty and to secure the rights of free men to their descendants.

I have also the gratification of presenting to you in the name of the officers and men of the Texas Rangers commanded by Colonel, now General John A. Wharton, the Regimental Colors of the 3rd Minnesota Mounted Volunteers captured by them at Murfreesboro, Tennessee.

Another flag was wrested from the enemy near Bardstown, Kentucky, by Sergeant Eugene Herndon of the same gallant corps, on which occasion the Rangers defeated 4 Regiments of Federal Cavalry stationed to capture them, and for which brilliant feat they were highly complimented by General [Leonidas] Polk in general orders. I regret to say the trophy had failed to reach me.

Very respectfully,
F. R. Lubbock

Read and referred to the Committee on Military Affairs.

On motion the House adjourned to 10 A.M. tomorrow morning.

House of Representatives of the
State of Texas, February 11, 1863

House met pursuant to adjournment. Roll called, quorum present, Journal read, amended, and adopted.

Mr. Potter, Chairman of the Judiciary Committee, made the following report, to wit:

Committee Room, Austin, February 11, 1863
To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to suspend all statutes of limitation on civil rights of action of every kind, whether real or personal, until one year after the close of the war between the Confederate States and the United States. A majority of the male citizens of our state are absent from their homes fighting the battles of our Common Country; their interests at home must be protected as far as we have the power. Statutes of limitation should not be allowed to lose their rights during their absence, nor should those who are remaining at home now be forced to cumber the courts of the county with suits commenced in order to save the bar of the statute. The Committee therefore direct me to return the bill to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

Mr. Cone, Chairman of the Committee on Finance, made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance have had under consideration a joint resolution in relation to the indebtedness of the Confederate States, and have unanimously instructed me to report it back to the House and recommend its passage. Committee Room, February 9, 1863.

Horace Cone, Chairman

Report received.

Mr. Rippetoe, Chairman of the Committee on Internal Improvements, made the following report, to wit:

Committee Room, February 10, 1863
To the Speaker of the House of Representatives:

The Committee on Internal Improvements to whom was referred a bill to be entitled an Act to revise and continue in force an Act entitled an Act to incorporate the Galveston and Houston Junction Railroad Company approved April 8, 1861, and to amend said act, have had the said bill under consideration and requests me to report the same back to the House and recommend its passage.

Very Respectfully,

A. H. Rippetoe, Chairman

Report received.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report, to wit:

Austin, February 11, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred a bill to amend the section of an Act to perfect the organization of the state troops and place the same on a war footing so that editors of newspapers may be relieved from military duty, have carefully considered the same and unanimously instructed me to return the bill to the House and recommend that it do not pass.

R. Flewellen, Chairman

Report received.

Mr. Townes, Chairman of the Committee on Education, by leave of the House, made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Education have had under consideration a bill to be entitled an Act to incorporate the Dallas Male and Female College and have instructed me to report the same back to the House and recommend its passage.

E. D. Townes, Chairman

Report received.

Mr. Ewing, by leave of the House, made the following report for the Committee on the Judiciary, to wit:

Committee Room

Austin, February 11, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on the Judiciary have had under consideration a bill prescribing the residence of county sur-

vveyors and instruct me to report the accompanying substitute and recommend its passage.

Wm. M. Ewing
for the Committee

To wit: A bill prescribing the residence of county surveyors. Substitute read and adopted. Report received.

Mr. Buckholts introduced a bill to amend Article 156 of the Code of Criminal Procedure. Read 1st time and referred to the Committee on the Judiciary.

Mr. Dillahunt introduced a bill entitled an Act to repeal an Act therein mentioned. Read 1st time.

Mr. McNeill introduced a bill in regard to the sheriffs of all the counties. Read 1st time and referred to the Committee on the Judiciary.

Mr. Broadus introduced a bill to prohibit the distillation of grain in the State of Texas during the present war. Read 1st time and referred to the Committee on the Judiciary.

Mr. McKie introduced a bill to provide for the levy and collection of a special tax on one-fourth of one per cent for the support of widows and orphans, made so by the casualties of the present war; and destitute families of persons now in the army of the Confederate States. Read 1st time and referred to the Committee on Finance.

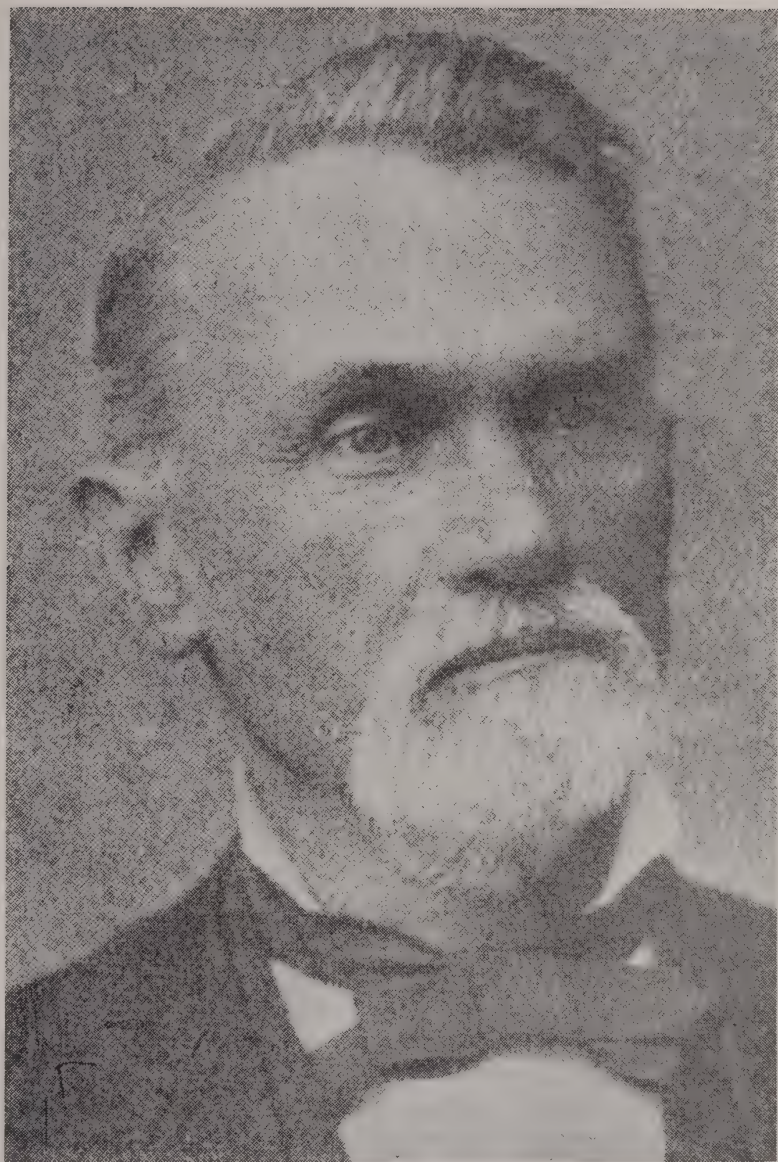
Mr. Holland of Grimes introduced a bill to be entitled an Act to amend an act entitled an Act to provide for the public printing, approved March 8, 1848, approved December 27, 1851. Read 1st time and referred to the Committee on Public Printing.

Mr. Moores introduced a bill to be entitled an Act to punish a certain offense. Read 1st time and referred to the Committee on the Judiciary.

Mr. Parker introduced a bill to amend the military law approved December 25, 1861. Read 1st time and referred to the Committee on Military Affairs.

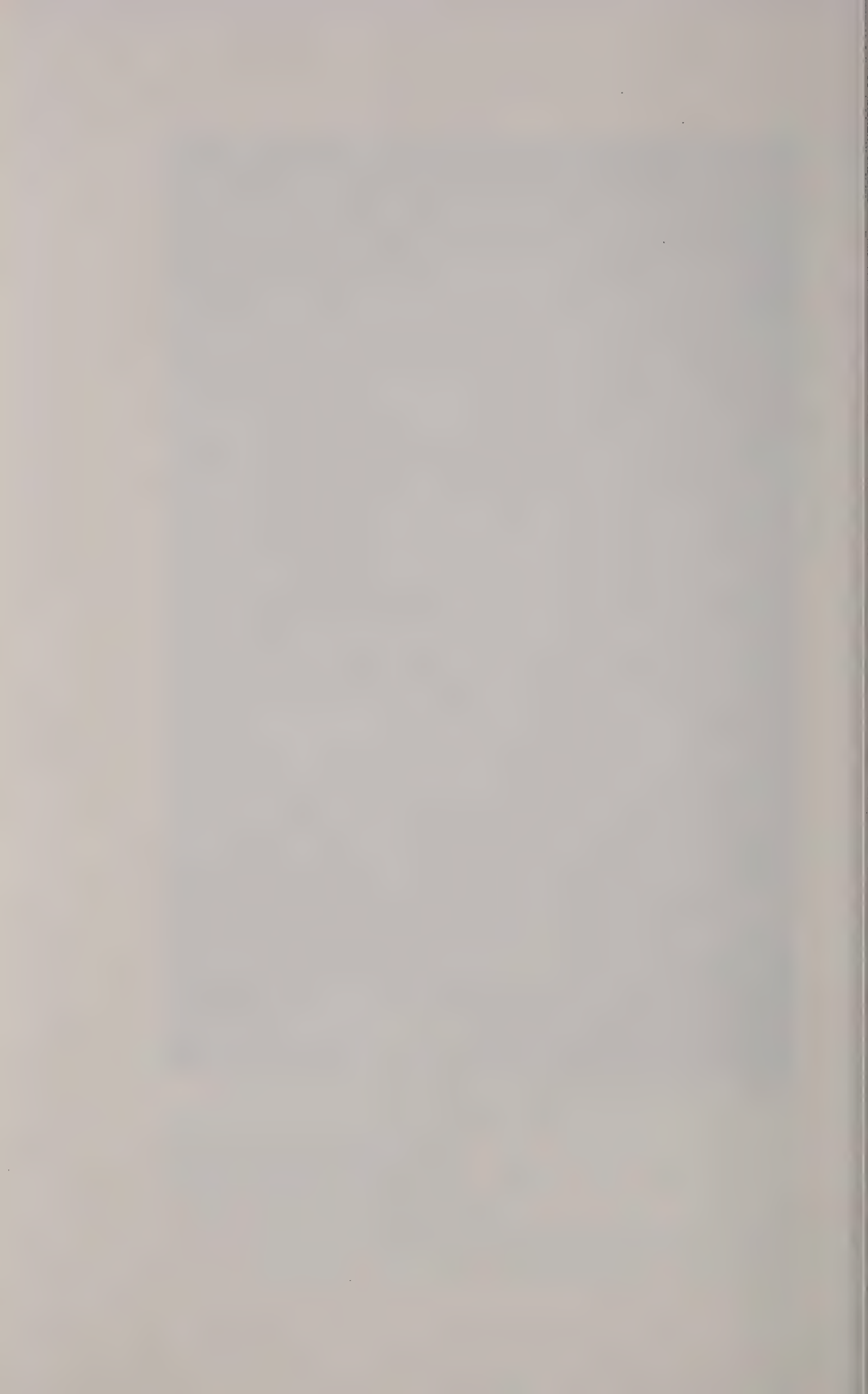
Mr. Hunt introduced a bill to be entitled an Act authorizing judgments to be rendered requiring property levied upon by execution to bring nine-tenths of its appraised value in certain cases. Read 1st time and referred to the Committee on the Judiciary.

Mr. Alford of Tarrant introduced a bill for the protection of the stock of those in the Confederate service. Read



Robert T. Flewellen

Photograph from L. E. Daniell,
**Types of Successful Men of
Texas** (Austin: Eugene Von
Boeckmann, 1890), opposite
p. 237.



1st time and referred to the Committee on Stock and Stock-raising.

Mr. Flint introduced a bill to be entitled an Act to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon Rivers in the county of Bell without obtaining a license. Read and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Randolph introduced a bill to suppress in part the raising of cotton. Read and referred to the Committee on Agricultural Affairs.

Mr. Alford of Trinity offered the following resolution: **Resolved**, That the Committee on Military Affairs be and they are hereby instructed to inquire into the expediency of paying the Texas State Troops recently called into the field by the Governor through order of the Confederate general commanding this military department for their services from the time they were mustered into service until disbanded by General Magruder, and report by bill or otherwise. Adopted.

Mr. Flewellen offered the following report and resolution, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The Military Committee to whom was referred the special message of the Governor concerning the flags of the 4th and 5th Texas Regiments have considered the same, and report the following resolution and request its passage.

Resolved, that a committee of three members of the House be appointed by the Chairman to act in concert with the like committee of the Senate to make suitable arrangements for the reception, and careful preservation of the flags of the 4th and 5th Texas Regiments, and also the Regimental Flag captured from the enemy by the 8th Texas Rangers. Adopted, whereupon the chair appointed Messrs. Flewellen, Cone, and Foote a committee on the part of the House.

Mr. Flewellen offered the following resolution: **Resolved**, that the Finance Committee be requested to consider the propriety of taxing notes of hand, and debts secured by deeds of tract or mortgages, and report to the House by bill or otherwise. Adopted.

Mr. Goodrich offered a joint resolution concerning

retaliation. Read and referred to the Committee on Confederate Relations.

Also a joint resolution instructing the Governor, Comptroller, and Treasurer to suspend the sale of the bonds of the State until further action by this body. Read and referred to the Committee on Finance.

ORDERS OF THE DAY

A bill substituted and reported by the Judiciary Committee to amend the 19th, 20th, and 47th sections of an Act to regulate the proceedings in the county court pertaining to estates of deceased persons was taken up. Substitute adopted. Read 2nd time and ordered to be engrossed.

And also, a bill to be entitled an Act to release to the heirs of Colonel Benjamin F. Terry all the rights, title, and interest of the State of Texas and to the property owned by said Terry at the time of his death and devised by his last will reported by the Committee on the Judiciary was taken up. Read 2nd time and ordered to be engrossed.

A message from the Senate through its Secretary was received returning the special message of the Governor concerning flags and announcing that the Senate had appointed Messrs. Harcourt, Parsons, and Quayle a committee to act on the subject on the part of the Senate.

Also announcing that the Senate have appointed Messrs. Dickson, Grimes, and Casey a Committee on the Military Board to act in conjunction with like committee from the House.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives

of the State of Texas, February 12, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal read and adopted.

Mr. Cone made the following report, to wit:

Committee Room, February 12, 1863

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance, to whom was referred a joint resolution instructing the Governor, Comptroller, and Treasurer to suspend the sale of the bonds of the State until further action by this body, have instructed me to report that they are at a loss as to what disposition to make of the joint resolution, or how to report upon it. The special committee who were appointed to examine into the

affairs of the Military Board have as yet been unable to obtain any report from that Board, and the Finance Committee deem it necessary, before taking any definite action on the joint resolution referred to them, to obtain some data to direct them from the committee whose business it is to investigate the actions and doings of said Military Board. Read and referred to the Special Committee on the Military Board.

Mr. Blanch for the Committee on Public Lands made the following report:

To the Honorable Speaker of the House of Representatives:

The Committee on Public Lands to whom was referred a bill to be entitled an Act to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the public domain, approved February 11, 1858, approved January 1, 1862, having had the same under consideration have instructed me to report back to the House with a recommendation that it do pass.

E. A. Blanch,
one of the Committee

Report received.

Mr. Cone, Chairman on the Finance Committee, made the following report:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance to whom was referred a bill to provide for the support of the families of Texan soldiers have had the same under consideration and have instructed me to report the following substitute and recommend its passage.

Horace Cone, Chairman
viz., a bill to be entitled an Act to provide for the support of the families of Texan soldiers.

Mr. Cone moved that one hundred copies of the substitute bill be printed. Motion lost.

Mr. Broadus moved to take up the bill out of its order. Carried.

Mr. Palmer moved to make it the special order for Saturday next. Mr. Camp moved to substitute 11 o'clock tomorrow in place of Saturday next. Carried.

Mr. Broadus, Chairman of the Committee on Privileges and Elections, made the following report, to wit:
To the Speaker of the House of Representatives:

The Committee on Privileges and Elections have had under consideration the contested election from the 69th Representative District, composed of the counties of Goliad, Refugio, and San Patricio, and the Committee instructed me to report that after a free investigation of the case, they are of the opinion that the sitting member, P. A. Thurmond, is entitled to his seat.

Broaddus, Chairman

Report received, taken up, and adopted.

Mr. Maverick, Chairman of the Committee on the Land Office, made the following report, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The committee on the Land Office to whom was referred a bill to be entitled an Act to authorize the Commissioner of the General Land Office to issue certificates to railroad companies, have instructed the undersigned to report in lieu thereof the enclosed bill, to be entitled an Act to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to; and they recommend the passage of the same as being no more than a simple act of justice to carry out the express enactments of the Legislature.

S. A. Maverick, Chairman

Report received and substitute read 1st time.

Mr. Williams, Chairman of the Committee on Slaves and Slavery, made the following report:

Committee Room, February 12, 1863

To the Speaker of the House of Representatives:

The Committee on Slaves and Slavery have considered the memorial of a petition of the citizens of Harris County praying for the passage of an Act permitting Peter Allen, a free man of color, to reside in the State. The number and respectability of the memorialists, the long residence and good conduct of the Negro, his acts in the service of our common country—all appeal strongly in his behalf and are calculated to touch the heart and arouse the sympathies. But the Committee believe that a great principle is involved in the petition which ought to be settled once and for all. The legislation of the country, in preventing the residence of free Negroes in our midst, is, in the estimation of your committee, eminently wise. The Constitution, as

amended by our last Convention, provided against any possibility of emancipating slaves, either by deed or will to take effect in the state or out of it, directly or indirectly. The formers of our organic law doubtless believed slavery to be the natural condition of the Negro race, that his status was fixed by the hand of a wise Creator. Any act, therefore, on the part of the Legislature, encouraging the idea of freedom, is, insofar a departure from that great principle which lies at the very foundation of our new government. If slavery is right, if it is the condition in which God intended the African race to live, it is unwise and unpolitic to attempt by legislative action to thwart this great design. Besides, your Committee believe that the presence of a free Negro population in the midst of slaves is well calculated to produce castes in that race, and to render the slave dissatisfied and clamorous for the rights that he sees one of his own color enjoying. Let them be on the same footing as to rights, and they are contented, none seeing his brother above him in the scale of social being.

While the Committee appreciates the merits of the applicant, they cannot see the end to which petitions of the kind may lead if one is entertained, nor the evils which may be brought upon us by a mixture of free Negroes and slaves. If the applicant is deserving, of which there seems no doubt, our law provides an easy method by which he may choose a kind master and thus change his present unnatural condition to that which Providence designed him. The Committee, therefore, instructed me to report unfavorably upon the memorial.

Frank E. Williams, Chairman

Report received.

Mr. Shelton, Chairman of the Committee on Stock and Stock-raising, by leave of the House made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Your Committee on Stock and Stock-raising have had under consideration a bill to be entitled an Act to suspend all laws for estraying stock until six months after the close of the present war, and beg leave to offer the accompanying bill as a substitute and recommend its passage.

P. H. Shelton, Chairman

viz., a bill to be entitled an Act to suspend the operation

of the estray laws for and during the existence of the present war and for six months after its termination except in certain cases. Report received and substitute read 1st time.

Mr. Ford by leave of the House made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on Public Printing have had under consideration a bill regulating public printing which we return to the House and recommend that passage of a substitute to the same.

John P. Ford, Chairman

viz., a bill to be entitled an Act to amend an act to be entitled an Act to amend an act entitled an Act to provide for the public printing, approved March 8, 1848, and approved December 21, 1851. Report received and substitute read 1st time.

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on the Penitentiary, to which was referred resolutions instructing the visiting Committee on the Penitentiary, has had the same under consideration and has instructed me to report the resolutions back to the House, with amendments, and recommend that they pass, viz., joint resolutions instructing the visiting Committee on the Penitentiary.

After the word "resolved" in first line [insert?] read by the Legislature of the State of Texas.

Resolution 6th: That these resolutions be in force from and after their passage.

A. Perry, Chairman

Report received, resolutions and amendments read 1st time.

Mr. Bush presented a bill to be entitled an Act to prohibit private speculation and extortion in the prime necessities of life. Read 1st time and referred to the Committee on the Judiciary.

Mr. Alford of Trinity offered the following joint resolution, to wit: **Resolved by the House of Representatives (the Senate concurring)**, That the Legislature of the State of Texas will adjourn *sine die* on Monday, the 23rd day of February, A.D. 1863. Read 1st time.

Mr. Slaughter presented a bill to be entitled an Act

to sustain the Confederate currency. Read and referred to the following special committee named by the Chairman, to wit: Messrs. Slaughter, Holland of Panola, Perry of Limestone, Costley, Camp, and Moores.

Mr. Cone presented a bill to be entitled an Act declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas. Read 1st time and referred to the Committee on the Judiciary.

Mr. Richardson presented a bill to be entitled an Act to amend Article 34 of the Penal Code, approved August 26, 1856. Read 1st time and referred to the Committee on the Judiciary.

Mr. Parker presented a bill to be entitled an Act to amend the frontier bill. Read 1st time and referred to the Committee on Military Affairs.

Mr. Randolph offered the following resolution, to wit: WHEREAS it is presumed that the President of the Confederate States has or will turn over to the State authority all of the officers captured by the Confederates, and WHEREAS it becomes necessary that there should be some legislation on the subject matter, **Be it therefore resolved**, that the Judiciary Committee be instructed to report so soon as possible what disposition to make of said officers. Read and adopted.

Mr. Moores offered the following resolution, to wit: **Resolved**, That the Committee on State Affairs take into consideration an address to the people of Texas signed by Messrs. Hubbard, Chilton, Beaty, Young, and Raine, officers in the Confederate service, and report to this House upon the subject matter of said address if in their opinion it need notice. Adopted and referred to the Committee on State Affairs.

Mr. Beall offered the following resolution: **Resolved**, That the Committee on Military Affairs be and are hereby instructed to inquire into the expediency of making it the duty of the civil authorities to have arrested and delivered up to the proper military officers all soldiers who may desert from the Confederate Army, and also to inquire into the expediency of passing a law disfranchising all such soldiers as may desert and report by bill or otherwise. Adopted.

Mr. Broaddus offered a joint resolution on the subject

of increasing the pay of the private soldiers in the Confederate Army. Read 1st time and referred to the Committee on Military Affairs.

ORDERS OF THE DAY

A bill to amend 2nd section of an Act to perfect the organization of the State Troops and place the same on a war footing, was taken up. Read a 2nd time and report of Committee adopted.

A bill to be entitled an Act to suspend all statutes of limitations on civil rights of actions of every kind, whether real or personal, until one year after the close of the war between the Confederate States and the United States was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule further suspended, read 3rd time, and passed.

A joint resolution in relation to the indebtedness of the Confederate States was taken up, read 2nd time, and ordered to be engrossed. Constitutional rule further suspended, read 3rd time, and by the following vote passed, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Costley, Cone, Dillahunt, Daugherty, Evans, Ewing, Flewellen, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Harwell, Hays, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mathews, McKie, Maverick, Marshall, McCoy, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Slaughter, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walling, Walworth, Way, Werbiskie, Williams, and Willis—74.

NAYS—[not given]

A bill to be entitled an Act to revive and continue in force an Act entitled an Act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule was further suspended, read 3rd time, and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford

of Trinity, Bagby, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Cone, Dillahunty, Daugherty, Evans, Ewing, Flewellen, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, O'Quinn, Neal, Palmer, Parker, Perry, Potter, Price, Raines, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Slaughter, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walling, Walworth, Way, Werbiskie, Williams, and Willis—79 [73].

NAYS—0.

A bill to be entitled an Act to incorporate the Dallas Male and Female College was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule further suspended, read a 3rd time, and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clement, Cocke, Costley, Cone, Dillahunty, Daugherty, Evans, Ewing, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Grimes, Hooker, Junker, Magill, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Smith, Staehely, Thurmond, Taylor, Todd, Townes, Wade, Walling, Walworth, Way, Werbiskie, Williams, and Willis—71.

NAYS—[not given]

A bill to be entitled an Act to repeal an act therein mentioned was taken up. Mr. Dillahunty moved to refer it to the Committee on Stock and Stock-raising. Lost. Mr. Shelton moved to postpone it indefinitely. Carried.

Mr. Simpson by leave of the House presented a bill to be entitled an Act to [attach] Kendall County to the Fourth Judicial District and providing the time of holding the Courts in said District. Read 1st time and referred to the Judiciary Committee.

Mr. Buckholts, Chairman of the Committee on Public Lands, made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee upon Public Lands have under consideration the bill entitled an Act to suspend or close for a given time the business of the General Land Office, and after a full examination of the bill and what it seeks to accomplish, the Committee are of the opinion that the 12th Article of the State Constitution will not admit of the close of the General Land Office for any given time; but the Committee have agreed that the number of clerks in the office should be reduced, and restrictions placed upon the office. The Committee, therefore, have instructed me to report back the bill to the House and recommend the passage of the following substitute, viz., a bill to be entitled an Act reducing the number of clerks in the General Land Office and placing certain restrictions thereon.

John Buckholts, Chairman

Report received and substitute read first time.

A message from the Senate was received announcing that the Senate had appointed Messrs. Lea and Guinn a Committee to act in conjunction with the Committee of the House to examine into the affairs of the State Penitentiary.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives of the
State of Texas, February 13, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal read and adopted.

On motion of Mr. Townes, Mr. Walling was granted leave of absence indefinitely.

On motion of Mr. Williams, Mr. Hunt was granted leave of absence until Monday next.

Mr. McCoy presented a memorial praying an appropriation of \$4500.00 to pay for subsistence and forage. Read 1st time and referred to the Military Committee.

Mr. Potter, Chairman of the Committee on Judiciary, made the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to prohibit the distillation or manufacture of alcohol or spirituous liquors out of corn or other grain, except under the direction and authority of the Governor during the present war, and a majority of

the Committee direct me to return the same to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

Also, the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas and direct me to return the same to the House and recommend its passage.

M. M. Potter, Chairman

Received.

Also the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House Bill to be entitled an Act to attach the county of Kendall to the 4th Judicial District, and direct me to return the same to the House and recommend its passage. The County of Kendall is not attached to any Judicial District and consequently no provision is made for holding a District Court therein. The bill makes this provision.

M. M. Potter, Chairman

Report received.

11 A.M.

SPECIAL ORDER OF THE DAY

The bill entitled an Act to provide for the families of Texan soldiers was taken up.

Mr. Hayes moved that the bill, substitute, and report be referred to a special committee of seven composed of Messrs. Williams, Hardin, Palmer, Alford of Tarrant, Bagby, Cocke, and Reid of Victoria with instructions to have the bill printed.

Mr. Cone offered as a substitute for Mr. Hay's motion the following resolution: **Resolved**, That one hundred copies of the substitute be printed, and that it be made the special order of the day for 11 A.M. Monday next.

Mr. Speaker from the floor moved to refer the substitute and original bill to a committee of the whole and that it be made the special order for 11 A.M. Tuesday next, and that one hundred copies of the substitute be printed, upon

which the ayes and nays were called and taken as follows, to wit:

YEAS—Mr. Speaker, Alford of Trinity, Beall, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cone, Dillahunty, Daugherty, Evans, Ewing, Flint, Ford, Foote, Goodnight, Goodrich, Hardeman, Harwell, Hale, Hill, Holland of Grimes, Holland of Panola, Junker, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Perry, Potter, Price, Randolph, Reid of Victoria, Richardson, Rippetoe, Rusk, Shelton, Simpson, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, and Willis—54.

NAYS—Bagby, Bethel, Hardin, Hays, Hooker, Magill, Mathews, Neal, O'Quinn, Palmer, Parker, Rains, Roberts, Slaughter, and Williams—15.

Whereupon reference was made and the printing ordered.

Mr. Shelton, Chairman of the Committee on Stock and Stock-raising, made the following report, to wit: To the Speaker of the House of Representatives:

Your Committee on Stock and Stock-raising, which have had under consideration the petition of San Patricio and other counties concerning the sale of beef cattle, beg leave to present the accompanying bill and recommend its passage.

P. H. Shelton, Chairman

Report received, viz., a bill to be entitled an Act to regulate the sale of beef cattle. Read 1st time.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The Military Committee have considered a joint resolution concerning the pay of the privates in the Confederate States Army and report the same back to the House and recommend their passage.

R. T. Flewellen, Chairman

Report received.

Also the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The Military Committee have considered the provisions of a bill to be entitled an Act providing for the erection of

an armory within the limits of the Penitentiary, and I am instructed to report that from the want of material, and the number of ordnance contracts already in existence with the Military Board, render unnecessary the establishment of an armory at the penitentiary for the present, but are of the opinion such an establishment might be profitably erected after the re-establishment of peace, and as such recommend that the bill do not pass.

R. T. Flewellen, Chairman

Report received.

Mr. Parker, Chairman of the Committee on Roads, Bridges, and Ferries, made the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Roads, Bridges, and Ferries have had under consideration the accompanying bill, to wit: an Act to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon Rivers in the county of Bell without obtaining a license, and authorize me to report favorable and recommend that it do pass.

A. Parker, Chairman

Report received.

Mr. Ewing, Chairman of the Committee on Private Land Claims, made the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Private Land Claims have had under consideration the memorial of T. C. Frost, referred before the resolution was adopted in relation to private relief bills, and instruct me to return the same to the House and ask to be discharged from further consideration of the same.

Wm. M. Ewing, Chairman

Report received.

Mr. Hays, Chairman of the Committee on Confederate Relations, made the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee have had under deliberation the joint resolution concerning retaliation and have instructed me

to report the same back to the House and recommend its passage.

F. M. Hays, Chairman

Report received.

Also, the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee on Confederate Relations have considered a joint resolution concerning the emption [exemption] Act recently passed by Congress and instructed me to report the following substitute and recommend its passage, viz., **Resolved by the House of Representatives of the Texas Legislature**, That our senators and representatives in Congress be requested to take into consideration the propriety of repealing the exemptions under the Conscription Act.

2nd. **Resolved**, That the Governor forward a copy of this resolution to our senators and representatives in Congress.

F. M. Hays, Chairman

Report received.

Also the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Confederate Relations have had under consideration the proceedings of the governors of Louisiana, Arkansas, Missouri, and Texas, and their communications to His Excellency President Davis, and after mature deliberation have concluded that it is unnecessary for the Legislature to take any action thereon. I am instructed by the Committee to return the same to the House and report accordingly.

F. M. Hays, Chairman

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, by leave of the House made the following report, to wit:
To the Honorable Speaker of the House of Representatives:

The Committee on State Affairs have considered a bill to be entitled an Act to incorporate the Jackson Manufacturing Company, and direct me to return the same to the House and recommend its passage.

Thos. E. Hill, Chairman

Report received.

Mr. Holland of Grimes, Chairman of the Special Committee on the Military Board, made the following report, to wit:

Committee Room, February 13, 1863

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

In obedience to the resolution of the House this day adopted, the special Committee to whom was referred an examination of the acts of the Military Board beg leave to report that as yet they have not been furnished by the Board with the report which by a former resolution of the House (adopted a few days ago) was called for, and consequently they have done nothing—and can do nothing—acting under the instructions of the House, until said report is received.

J. K. Holland, Chairman

Report received.

Mr. Flint offered the following resolution: **Resolved**, That a committee of three on the part of the House, the Senate concurring, and a like committee on the part of the Senate be raised to proceed forthwith to the cotton card factory of the Messrs. Eubank of Williamson County, and report as soon as practicable the condition and capacity of said factory the amount of work it is doing, the character of the work it is doing, and whether it would be advisable to enlarge the same and give state aid thereto.

On motion the resolution was amended by striking out "three" and inserting "one." Adopted.

Mr. Hill, Chairman of the Committee on State Affairs, by leave made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a resolution that the Committee on State Affairs be and they are hereby instructed to enquire what further legislation if any is necessary to more effectually prohibit the issue and circulation as money, individual change notes commonly known by the name of shin plasters, have had the same under consideration and direct me to return the same to the house and to state that in their opinion no legislation at this time is necessary because such issuance and circulation as money is now prohibited and the penalty

fixed in article 400 of the Penal Code.

Thos. E. Hill, Chairman

Report received.

Mr. Daugherty for the Committee on Public Lands by leave made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee to whom was referred a bill for the relief of parties holding lands under Daniel Monroe have had the same under consideration and instruct me to return the bill to the House and recommend its passage.

T. W. Daugherty

one of the Committee

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, by leave made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Your Committee on State Affairs to whom was referred a joint resolution to disband the State Troops, direct me to return the same to the House and say that as the State Troops called out by orders of the Governor F. R. Lubbock, dated November 11 and December 11, 1862, have been furloughed indefinitely by a general order of Major General J. B. Magruder, thereby in their opinion the necessity for the adoption of said resolution is suspended.

Thos. E. Hill, Chairman

Report received.

Also by leave the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on State Affairs have considered a bill concerning officers and direct me to return the same to the House and recommend that it do not pass.

Thos. E. Hill, Chairman

Report received.

Mr. Flewellen offered a joint resolution in reference to trade on the Rio Grande and the extending of its benefits to the citizens of the whole state. Read first time and referred to the Committee on State Affairs.

Mr. Parker offered the following resolution: **Resolved**, That the Committee appointed to examine the Acts and transactions of the Military Board are hereby requested to report in writing what progress they have made in such examination. Read and adopted.

Mr. Harwell presented a bill to be entitled an Act to authorize the county courts to fix the price of commodities. Read 1st time and referred to the Committee on Finance.

Mr. Richardson presented a bill to be entitled an Act to provide against the hostile invasion of the State of Texas by persons of color. Read 1st time and referred to the Committee on the Judiciary.

Mr. Staehely presented a bill to be entitled an Act to amend Articles 61, 826, 827, and 285 of the Code of Criminal Procedure. Read 1st time and referred to the Committee on the Judiciary.

Mr. Hunt presented a bill to be entitled an Act extending the estray law two years after the war. Read 1st time and referred to the Committee on the Judiciary.

Mr. Bethel presented a bill to be entitled an Act to regulate the prices of articles of prime necessity. Read 1st time and referred to the Committee on State Affairs.

Mr. Todd presented a bill to be entitled an Act prescribing the rate of charges for transportation on railroads during the existing war. Read and referred to the Committee on Internal Improvements.

Mr. Moores offered the following resolution: WHEREAS castings and malleable iron are becoming scarce in the State, and WHEREAS iron of every description is indispensable to the prosperity of our citizens, therefore, **Resolved**, that the Committee on Agriculture take into consideration the subject of the manufacturing of iron in the State of Texas; and further that said Committee report, if they think a bill to encourage the manufacture of the necessary article. Adopted and referred to the Committee on Agriculture.

Mr. Goodrich presented a bill to be entitled an Act to amend the Penal Code. Read 1st time and referred to the Judiciary Committee.

ORDERS OF THE DAY

A substitute bill to be entitled an Act to suspend the operations of the estray laws for and during the existence of the present war, and for six months after its termination except in certain cases, was taken up. Read 2nd time, substitute adopted, and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

A bill entitled an Act to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize

the sale of the public domain, approved February 11, 1858, approved January 1, 1862, was taken up. Read 3rd time and passed.

A bill to be entitled an Act closing the Land Office was taken up.

Mr. Holland of Grimes offered the following amendment, viz., Section 3rd, That all certificates heretofore issued be and they are hereby stopped from further location until after the expiration of the war. Lost. Bill read 2nd time, substitute adopted, and ordered to be engrossed. Constitutional rule suspended. Read a 3rd time and passed.

A resolution that the Legislature adjourn *sine die* on the 23rd day of February A.D. 1863, was taken up and on motion of Mr. Potter was laid on the table.

Mr. Hill, Chairman of the Committee on Engrossed Bills, made the following reports, to wit:

To the Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined the following bills and find the same correctly engrossed, viz.,

A bill to be entitled an Act to amend the 19th, 20th, and 47th sections of an act entitled an Act to regulate proceedings in the county courts pertaining to the estates of deceased persons, approved March 20, 1848.

Also a bill to be entitled an Act in relation to judicial proceedings in counties in possession of or endangered by the enemy.

Also a bill to be entitled an Act to release to the heirs of Colonel B. F. Terry all the right, titles, and interest of the State of Texas, in and to the property owned by the said Terry at the time of his death and devised by his last will. Report accepted.

A message from the Senate was received announcing the following resolution, viz., **Resolved (the House concurring)**, That the joint committee appointed to examine into the condition of the penitentiary shall enter upon the discharge of their duties immediately, that in performance of their duties they shall have power to send for persons and papers, shall have their traveling expenses paid out of the contingent fund; and that after the adjournment of the Legislature they shall proceed immediately to the town of Huntsville and there conclude their investigations and make their final report to His Excellency the Governor and have it published, and for such service they shall receive their

per diem pay as members of the Legislature while occupied in the examination at Huntsville. Adopted.

On motion the House adjourned to 10 A.M. tomorrow morning.

House of Representatives of the
State of Texas, February 14, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal read and adopted.

A message from the Governor was received presenting a report from the Military Board and accompanying documents.²

Mr. Randolph asked the House to excuse him from the chairmanship of the Committee on the Penitentiary. Excused.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred the memorial of Brigadier General Hudson, 21st Brigade, Texas State Troops, have considered the same and I am instructed to report the accompanying bill and request its passage.

R. T. Flewellen³

²See Appendix II.

³The memorial of General Hudson is as follows:

Memorial of Brigadier General Hudson,
21st Brigade, Texas State Troops

The undersigned your memorialist, a resident of the County of Cook and State of Texas would most respectfully represent that about the first of October 1862 it was ascertained that a secret organization, was in existence to give aid and assistance to the people and army of the North, and further that so soon as it felt itself sufficiently strong, then to throw off the veil of secrecy and openly espouse the Federal Cause, fully endorsing the abolition administration of Abraham Lincoln, and with fire and sword to devastate the whole country—murder and rob all persons favorable to the South indiscriminately without regard to age condition or sex.

Under this state of affairs, it became a loyal community to take expeditious and effective measures to thwart their unholy designs, and act in such manner as to give protection to the then threatened community. Accordingly on the 1st of October six or seven hundred of the citizens of Cooke County with preconverted action commenced the work of arresting about seventy (70) of the members of said organization, so suspected of treason, and carried them to the town of Gainesville in said County, for safe keeping and trial. To organize a proper tribunal to try these persons necessarily required some time. There being no jail house of sufficient capacity to hold the accused, it was necessary to procure a strong guard—of the citizens. The undersigned being the Brigadier Genl. of Militia of that Brigade was called upon to and did call out the militia of that County and the adjoining counties to answer the necessity of guarding the prisoners, as also for the purpose of protecting the tribunal trying the

Report received.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports, to wit:

Committee Room, February 13, 1863

To the Honorable Speaker of the House of Representatives:

The Judiciary Committee have considered a House Bill without a caption purporting to authorize the county courts of each county in the state to pay the sheriff not exceeding the sum of two hundred dollars **per annum** for performing certain duties. The law not allowing a fixed compensation for such services, the Committee do not think it proper at this time to increase the same. I am therefore directed to return the bill to the House and recommend that it do not pass.

M. M. Potter, Chairman

Report received.

Also the following report, to wit:

Committee Room, February 13, 1863

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act authorizing judgments to be rendered, requiring property levied on to bring nine-tenths of its appraised value in certain cases. The Committee consider the proposed legislation unnecessary and inexpedient at this time, and therefore direct me to return the bill to the House and recommend that it do not pass.

M. M. Potter, Chairman

same, and to protect the loyal citizens, and to keep scouts out on different directions and sections of the county to watch, and arrest any who might be sympathizers with the North.

During which time it was necessary to furnish provisions etc to the citizens militia, and all those aiding in arresting the threatened rebellion. I therefore ordered my Quarter Master & Commissary to furnish supplies for that purpose, which he did to the amount of about \$4,300.00.

Your memorialist would further represent that there is no appropriation made by Law for the payment of the same. He therefore in view of all the facts and circumstances of the case places the full facts before your Honorable body in order that you might fully appreciate the necessities of this outlay—in the protection of the citizens not only of that County, but of the entire state, by the timely action thus had and asks that an appropriation be made of Forty five hundred Dollars, or so much thereof as may be necessary to pay off the debts thus accrued for subsistence forage and take such other action in the premises as you may seem just, and right, to reimburse those furnishing supplies etc.

Wm. Hudson
Brig Genl 21 Brig TST

Report received.

Also the following report, to wit:

Committee Room, February 13, 1863

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a preamble and a bill without a caption. The object of the bill being, as declared in the 1st section, to make it a misdemeanor punishable with fine and imprisonment for any person to refuse to take the promissory notes of the Confederate Government either for debts or liabilities heretofore or hereafter contracted. It would be proper for the Committee to say something as to the policy of the proposed legislation were there no constitutional barriers in the way or did the legislature possess the power of supreme dictation; but we are legislating under Constitutional restrictions which are intended for the protection of the people, and which make void all our acts that may conflict with such restrictions, and we as members of the Legislature are sworn to support and maintain the Constitutions of the State of Texas and of the Confederate States. The 1st paragraph of Section 10, Article 1st of the Constitution of the Confederate States, provides as follows: "No state shall enter into any treaty, alliance, or confederation: granting letters of marque or reprisal: coin money: **make anything by gold and silver coin a tender in payment of debts**, pass any bill of attainder, **ex post facto** law, or law impairing the obligation of contracts; or granting any title of nobility." These provisions are very clear and explicit. It is expressly declared that we shall not have the power to "make anything but gold and silver coin a tender in payment of debts." This being the case, it certainly will not be contended that we can make it a penal offense for a person to refuse to do what the Constitution expressly says we shall not have the power to require to be done. A strict observance of the written Constitution is the main safeguard we as a people have for the preservation of our liberties, and to maintain inviolate all the provisions and guarantees of the Constitution is our paramount duty as legislators. Are there any objectionable provisions contained in either the State or Confederate Constitutions, let the people look for a remedy by amending them in the mode provided for by those instruments, but until so changed we should do no act in violation of either the letter

or spirit of those instruments. Our country is passing through a struggle which is calculated to test to the utmost the stability of our institutions, and at such a time it is peculiarly the duty of those who are intrusted by the making and execution of the law to see that the Constitution be sacredly upheld. Entertaining those views a majority of the Committee direct me to return the bill to the House and recommend that it do not pass.

M. M. Potter, Chairman

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, made the following report, to wit:

Committee Room, February 13, 1863

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill for the amendment of the 2nd section of an Act passed at the Ninth Legislature of the State of Texas direct me to return the same to the House, and ask that it be referred to the proper committee, to wit: the Committee on Military Affairs.

Thos. E. Hill, Chairman

Report received and bill referred to the Committee on Military Affairs.

Also the following report, to wit:

Committee Room, February 13, 1863

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred the petition of D. B. Martin,⁴ General Enrolling Officer, and direct me to return the same to the House and ask that it be referred to the proper committee, to wit: the Committee on Military Affairs.

Thos. E. Hill, Chairman

Report received and bill referred to the Committee on Military Affairs.

Mr. Thurmond presented a bill to be entitled an Act to amend section 2 of an act entitled an Act to perfect the organization of the State Troops and place the same upon a war footing, approved December 25, 1861. Read 1st time and referred to the Committee on Military Affairs.

Mr. Williams offered a joint resolution in relation to articles of prime necessity. Read 1st time and referred

Mr. Staehely by leave of the House presented a bill to be entitled an Act to incorporate the Comal Manufacturing Company. Read 1st time and referred to the Committee on State Affairs.

Also a bill to be entitled an Act to incorporate the Texas Paper Manufacturing Company read 1st time and referred to the Committee on State Affairs.

A message from the Honorable Senate was received announcing that the Senate had adopted a resolution resolving that a committee of two on the part of the Senate and three from the House of Representatives be raised to examine specimens of the work of the Messrs. Eubank in the manufacture of cotton and wool cards, and that they report upon the propriety of extending aid to the enterprise. Adopted. House concurs, and the speaker appointed Messrs. Flint, Ewing, and Dillahunty a committee to act on part of the House.

Mr. Willis, one of the Committee on the Engrossed Bills, made the following reports, to wit:

Committee Room, February 14, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a joint resolution in relation to the indebtedness of the Confederate States.

Also a bill to be entitled an Act to prescribe the residence of county surveyors.

Also a bill to be entitled an Act to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the Public Domain, approved February 11, 1858, approved January 1, 1862.

Also a bill to be entitled an Act to suspend all statutes of limitations on civil rights of action of every kind whether real or personal until one year after the close of the war between the Confederate States and the United States.

Also a bill to be entitled an Act to suspend the operation of the estray law for and during the existence of the present war, and for six months after its termination, except in certain cases.

Also a bill to be entitled an Act to reduce the number of clerks in the Land Office and place certain restrictions

in force an act entitled an Act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act.

Also a bill to be entitled an Act to incorporate the Dallas Male and Female College and find the same correctly engrossed.

D. Willis
for the Committee

Report accepted.

Mr. Maverick offered the following resolution, to wit: **Resolved**, That the Committee on Public Buildings be instructed to take early measures to determine the best mode of repairing or renovating the roof of the Land Office and Capitol, and that the Committee report by bill or otherwise at the earliest day practicable.

Mr. Williams moved to include the Old Land Office. Accepted. Mr. Hale moved to include the Comptroller's Office. Accepted. Adopted with amendments.

Mr. Slaughter, Chairman of the select committee to whom was referred a bill to sustain the Confederate currency, by leave made the following report, to wit: To the Speaker of the House of Representatives:

The select committee to whom was referred a bill to sustain the currency of the Confederate States have had the same under consideration and have unanimously instructed me to report the accompanying substitute and recommend its passage.

The Committee are aware that in all countries and in every age the currency has been deemed *sui generis*, and thus legislation thereon is attended with many and peculiar difficulties. Nevertheless, the Committee are of the opinion that the present time demands the most stringent measures and the exercise of the whole powers of the government to prevent its total annihilation. Without money we are powerless, and with a paper currency indefinitely depreciated we have no money. They, therefore, who knowingly and designingly depreciate the currency of the Confederate States are and ought to be considered public and dangerous enemies of the Commonwealth, and ought to be punished in the severest manner.

Richard F. Slaughter, Chairman

Report received and substituted. Read 1st time.

Mr. Broadus by leave of the House offered the fol-

lowing resolution, to wit: **Resolved**, That the joint committee to examine into the acts of the Military Board be authorized to employ a clerk if they deem it necessary, whose services shall be paid for by the proper disbursing officer of the State, upon approval by the chairman of the committee out of the contingent fund of the House, and that said committee be and they are hereby authorized to send for persons and papers to aid them in making said examination.

Broaddus

ORDERS OF THE DAY

A petition of a portion of the citizens of Harris County in relation to Peter Allen and the report of the Committee on Slaves and Slavery thereon was taken up. Mr. Richardson moved to lay the report on the table. Mr. Holland of Grimes moved to amend the motion so as to lay on the table until Monday next, on which there was no vote taken. The ayes and nays being called for on Mr. Richardson's motion, the following vote was taken, to wit:

YEAS—Messrs. Speaker, Bush, Buckholts, Clements, Cone, Dillahunt, Evans, Ewing, Flewellen, Hill, Marshall, Moores, Perry, Potter, Richardson, Rippetoe, Shelton, Simpson, Slaughter, Staehely, Thurmond, Todd, Townes, Walworth, Way, and Werbiskie—27.

NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Camp, Charlton, Costley, Daugherty, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Holland of Grimes, Holland of Panola, Hooker, Junker, Magill, Mathews, Maverick, McCoy, McKie, McNeill, Neal, O'Quinn, Palmer, Parker, Price, Rains, Randolph, Reid of Victoria, Rhea, Roberts, Smith, Taylor, Wade, Williams, and Willis—45. Motion lost.

Mr. Flint moved to recommit the petition and report to the same committee.

Mr. Price from Anderson moved to lay the motion to recommit on the table. Carried.

The question in the adoption of the report then coming up, the ayes and nays was called for, and the following vote was taken, to wit:

YEAS—Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Camp, Charlton, Costley,

Daugherty, Flewellen, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Holland of Grimes, Holland of Panola, Junker, Magill, Mathews, Maverick, McCoy, McKie, McNeill, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Roberts, Smith, Staehely, Williams, and Willis—48 [46].

NAYS—Messrs. Speaker, Bush, Buckholts (who asked the following explanation be spread upon the Journal, to wit: I believe in the general principles enunciated in the report of the Committee, but believe that the prayer of the petition should be granted in consideration of the boy Peter having served the Southern Confederacy at the Battle of Shiloh.), Clements (with the following explanation, to wit: While I endorse the principles and sentiments contained in the report of the Committee, I believe that meritorious exceptions should be made in questions of this kind, and believing the case here presented one of that character I am constrained to cast my vote in the negative.), Cone (with the following explanation, to wit: While endorsing the principles embraced in the report of the Committee as those which should constitute a **general** law, and believing them to be correct and founded on a wise policy, I shall nevertheless vote against the reception, as it does not recognize that under any circumstances whatever, there should be an exception to the rule laid down, for as in this instance, cases may arise where for meritorious conduct in this dreadful struggle, free men of color should be permitted to remain amongst us without going into slavery.), Dillahunt, Evans, Ewing (with the following explanation, to wit: While yielding an unqualified assent to the general proposition contained in the report of the Committee, I yet think that there may be exception in their application, and that this is one of them. I therefore vote nay.), Flint, Hill, Marshall, Moores, Richardson (with the following explanation, to wit: While yielding an unqualified assent to the general proposition contained in the report of the Committee, I yet think that there may be exceptions in their application, and that this is one of them. I therefore vote no.), Rippetoe, Shelton, Simpson, Slaughter (with the following explanation, to wit: While endorsing the general principles enunciated in the report, yet in the present case I believe the petition meritorious and ought to be an exception, and demand relief at the hands of the Legislature.),

Thurmond, Todd, Townes, Wade, Walworth, Way, and Werbiskie—24. Report adopted.

3 o'clock P.M.

House met pursuant to adjournment.

A committee report on House resolutions in reference to the penitentiary was taken up, and on motion of _____ was laid on the table.

A bill to be entitled an Act providing for the issuing of land certificates to railroad companies entitled to receive them was taken up. Substitute adopted. Read 2nd time and ordered to be engrossed.

A bill to be entitled an Act to amend an act entitled an Act to amend an act entitled an Act to provide for the public printing, approved March 8, 1848, approved December 27, 1851, was taken up. Substitute adopted. Read 2nd time and on motion of Mr. Potter it was laid on the table.

A message from the Senate announcing that the Senate had passed an act requiring district attorneys to report to the Comptroller in certain cases was received.

A joint resolution offering thanks to General Magruder and officers and men under him was taken up. Read 2nd time and ordered to be engrossed.

A bill to be entitled an Act to release to the heirs of Colonel B. F. Terry all the rights, title and interest of the State of Texas in and to the property owned by the said Terry at the time of his death and devised by his last will, was taken up, read 3rd time, and passed.

A bill to be entitled an Act to amend the 19th, 20th, and 47th sections of an act entitled an Act to regulate proceedings in the county courts pertaining to estates of deceased persons, approved March 20, 1848, was taken up. Read 3rd time and passed.

A communication and accompanying documents in relation to the acts and operations of the Military Board was taken up and on motion of Mr. Flint was referred to the Special Committee on the Military Board.

The report of the Committee on Confederate Relations in relation to the communications of the governors of the Confederate States west of the Mississippi River in relation to their conference at Marshall, Texas, was taken up, and on motion of Mr. Potter the Committee was discharged from further consideration of the subject.

A bill to be entitled an Act to attach the County of

Kendall to the Fourth Judicial District and providing for the time of holding the courts in said District was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended, read 3rd time, and passed.

A bill to be entitled an Act to regulate the sale of beef cattle and return list of the cattle slaughtered by them was taken up. Read 2nd time.

Mr. Townes offered the following amendment, to wit: Section 4th—Every person who shall butcher beef for the market of any town or village shall keep lists of all the marks and brands of all the cattle slaughtered by him and stating from whom purchased and at least once each month shall return the same verified by his oath to the clerk of the county court who shall cause the same to be recorded in his office and keep them subject to the inspection of the public, which oath may be taken before any person authorized by law to administer oaths. Section 5th—Should any butcher fail to render such list for any month by the 15th day of the next succeeding month he shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than fifty or more than one hundred dollars for each offense, one half of which should go to the informer and the other to the jury fund as above provided, and if he returns a false list shall be guilty of perjury and liable to prosecution therefor as in other cases. Adopted.

Mr. Simpson offered the following amendment, to wit: Section 6th—It is hereby declared a penal offense to sell calves for slaughter or shipment without branding them, and any person so offending shall be subject to indictment and a fine of \$5 for every calf thus sold. Adopted.

Mr. Richardson moved to amend by striking out the words "five" in the sixth section and inserting in lieu thereof the word "fifty." Accepted by Mr. Simpson and adopted.

Mr. Simpson moved reconsideration of the vote, inserting the word "fifty" for the word "five" in the sixth section. Carried.

Mr. Richardson moved to amend by striking out the word "five" in the sixth section and inserting in lieu thereof the word "ten." Adopted.

Mr. McCoy offered the following amendment, to wit: Amend the fifth section by striking out the word "perjury" and inserting in lieu thereof "false-swearing." Adopted.

Mr. Ewing offered the following amendment, to wit: Add to the fourth section these words: "And the clerk shall be entitled to such fees as is provided by law for similar services." Adopted.

Mr. Townes offered the following amendment, to wit: Amend caption by adding "and to require butchers to keep and return [a] list of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding." Adopted. Bill with amendments ordered to be engrossed. Constitutional rule suspended, read 3rd time, and bill passed.

On motion the House adjourned to 10 A.M. Monday morning.

House of Representatives of the
State of Texas, February 16, 1863

House met pursuant to adjournment. Roll called, quorum present, Journal read and adopted.

Mr. Mather from Williamson County came forward, presented his credentials, was sworn, and took his seat.

On motion of Mr. Cone, Mr. Randolph was excused on account of illness from attendance on the House.

By leave of the House the Speaker, Mr. Buckley, had spread on the Journal as an explanation of his vote on the adoption of a report of the Committee on Slaves and Slavery on the memorial of Citizens of Harris County in relation to the colored man, Peter Allen, the same reason assigned by Mr. Cone of Harris, and spread upon the Journal of the 14th instant, and adopted then as explanatory of his vote also.

Mr. Cone offered the following resolution in relation thereto, to wit: **Resolved**, That a committee of three be appointed by the House of Representatives to act with a like committee on the part of the Senate to prepare an address to our soldiers in the field, assuring them that their gallant conduct and their unwavering devotion to the cause which has made them soldiers are fully appreciated by the representatives of the people, now assembled under a call of the governor of the state; and that the Legislature of Texas will before it closes its present session make full and adequate provision for their families who may be suffering, and whatever also may be constitutionally done to alleviate the distress incident upon our prolonged struggle for independence and the rights of the South. Adopted.

Whereupon the Speaker appointed Messrs. Cone, Williams, and Simpson a committee on the part of the House.

Mr. Moores presented the petition of citizens of Free-stone County in reference to the Specie Tax. Read and referred to the Committee on Finance.

Mr. Cocke presented the petition of sundry citizens of Karnes County. Read and referred to the Committee on Military Affairs.

Mr. McCoy by leave of the House introduced a resolution of sundry citizens of Dallas County. Read and referred to the Committee on Confederate Relations.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives of the State
of Texas, February 17, 1863

House met pursuant to adjournment. Roll called, quorum present, Journal read and adopted.

By leave of the House the following was ordered to be spread upon the Journal, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

Having declined participating in the examination of the affairs of the State Penitentiary as Chairman of the Committee on part of the House, appointed by yourself to examine into the conditions of said Penitentiary, I deem it prudent and expedient to have spread upon the Journal my reasons for so doing. First, the Governor in his extra message recommended the appointment by both houses of a joint committee from the remotest counties of the State for that specific purpose. Also, having learned through many respectable persons that there is a general dissatisfaction in many portions of the State in consequence of partiality being exhibited between applicants to the financial agent in the distribution of goods, then residing in that vicinity as I do it is presumable the good of the country will be better subserved in declination than otherwise, and this done, I am content. Permit me, Mr. Speaker, through you to return my thanks to the House for the courtesy extended to me in the relief obtained thereby from serving on said Committee.

Respectfully,

Jeremiah Randolph

Mr. Moores presented the petition of William W. Dix-

on,⁵ Assessor and Collector for Freestone County, for relief. Read and referred to the Committee on Finance.

Mr. Simpson presented the petition of the City Council and a number of citizens of San Antonio.⁶ Read and referred to the Committee on Agricultural Affairs.

Mr. Cone, Chairman of the Committee on Finance, made the following reports, to wit:

Committee Room, February 16, 1863

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance to whom was referred a joint resolution in relation to requesting Senators and Representatives in Congress to procure from that body a proposed amendment to the Confederate Constitution for the purpose of making Confederate money and coupons of the Confederacy a legal tender during the continuance of the war, have duly considered the same and have instructed me to report that they deem it expedient at this time to legislate upon the subject. That it is not the proper time pending our struggle for a name and place among the nations of the earth to memorialize the Congress to alter or amend our Constitution, and that in so doing we might be justly accused of vacillation and instability, or of a desire to establish a precedent at this early day in our history

⁵The petition of William W. Dixon cannot be located in the Archives.

⁶The petition and accompanying documents are as follows:
San Antonio, Texas
December 3, 1861

Be it remembered, that at a meeting of the City Council of the City of San Antonio held December 2nd, 1861, the following preamble and resolutions were adopted for it:

"Whereas, sundry citizens of San Antonio have petitioned the Legislature to repeal the law giving the control of the Alamo Ditch to certain residents along the line thereof; and whereas the City Council of San Antonio, have been requested by petition to sign the same; Therefore, be it resolved; That we the City Council of San Antonio, believe that the granting of said petition by the Legislature would be of general benefit to the citizens.

And be it further resolved that the City Secretary be and he is hereby instructed to attach to said petition a certified copy hereof." I certify under my hand and the corporate seal of said City that the foregoing is a true copy from the minutes of the Proceedings of the City Council of San Antonio.

December 30, 1861
C. E. Jefferson

whereby our organic law may be changed to suit convenience or circumstances.

City Secretary San Antonio

Petition of the City Council and a number of the citizens of San Antonio

To the Honorable, The Senate and House of Representatives of the States of Texas:—

The Undersigned citizens of San Antonio, residing along the lines of the ditch known as Alamo Ditch, respectfully represent, that at the last session of the Legislature an act was passed giving the management of said ditch to two owners of land along its line; that said law operates injuriously to a large majority of those interested; that the management should be given to the city corporation as was the case prior to the passage of the act referred to; that under the management of the corporation irrigating rights were well regulated and operated to the benefit of those enjoying them. Wherefor your petitioners earnestly pray, that the law above referred to, passed at the last extra session, be repealed and that the regulation of the city charter be applied to said Alamo ditch and that the corporation again have the management petitioners will ever pray, & c.

S. Nette	T. H. Kampmann, p. A. Nette, Agent
A. Moye	W. A. Menger
C. Elindorf	P. J. Biesenbach
H. Schleuning	With Wagel
U. Nauwald	C. Hummel
H. Deussen, P. A. Nette, Agent	Cha. T. Fisher
C. Jordin	F. R. Wondracek
Grinhore Perseh	Frantz Poleck
Capper Garner	John Wilkins
B. Manermanns	Jakob Rilling
G. Batz	Ehrenfried Glaser
W. C. Schaub	Gottfried Reimschuessel
Thos. Berden	Joseph Fischer
Swintz Fojugh p. C. Jordin	Anton Schmitt
J. C. Beckmann	S. McAllister
A. Sartor	Frank Solok
A. Sartor Jr	Carl Dobrowolsky
F. Rummel	Thomas Dziuvon
P. Wagner	Franz Ozho
Christoph Schroeder	S. Tissufas
T. Wort	J. Sguort
W. Rummel	C. Rossy
P. A. Gluck	Th. Dittrich
J. Augwietz	F. H. Baumbath
George Witte	J. Pfeil
S. Dauenhauer	M. Zollery
W. Fritze	Fogv Zossmron
C. H. Allricht	T. C. Shurm
L. Briom	Ernest Wehrahre
Wm. Hiener	Alex Uhl
H. Fisher	T. Bremld
T. Vanderstraden	Joseph Siheder
H. D. Stumberg	Franz Posent
Wm. Cuff	Gustav Haenel
F. Schmidt	A. Mareschal
Henrich Nentwich	Michel Irell
Louis Wiener	Frank Umplun
P. Maureaun	H. T. Veltmann
H. Fuhrmeister	Howard Funggs
Zacharias Holloff	Anton Cieslek
Fran Tockul	Ed Braden
Franz Newmann	F. T. Ludwig
Guvurod Frowr	G. Hovner

The Committee therefore return the joint resolution to the House and ask that it do not pass. Report received.

L. Kiruzart	W. A. Dorsett
Carl Lohiebel	Adam Ewald
F. T. Long	Owen Clark
Fried Poeschel	William Lyons
H. Langwell	C. Bryn
John Siebel	H. Mayer
L. Reymann	J. Hazen
H. Grenet	H. Staffel
G. Herzig	Edward Elanendorf
Louis Klein	A. Stauffscher
Gustav Lowery	A. Toutrel
N. O. Green	T. T. Lane
Daniel Bonnet	C. J. Huppert
T. Braden	H. Lauger
Th. Schleunning	James Posteree
T. Lohenok	Elissabetha Wenz
Fr. Moller	Anton Morrygeba
H. Schultze	Anten Kamp
T. C. Houzeau	Georg Rathonfbirth
G. Gloabrus	Georg Vlnesbirg
L. Stasbar	T. Ponuires
E. Kneppa	Louis Voigtlaender
T. Hobreocht	Goham P. Ullrich
A. D. Ludlum	Vrbrasfaieur Ullrich
E. G. Huston	Adolph Oge
A. Marver	John Moreau
Rochas Wrsyler	Jacob Buttram
Joseph Burke	Frederick Buring
Geo. Malone Kuerunv	Martin Schnetz
Charle Kairenling	Charles Wurzbach
U. Fischer	G. C. Patching
Youf Hildebrandt	Anna Gumbert
M. G. Cotton	T. Gumbert
John Brown	M. Leng
Lauvert Birr	R. Tugler
Louis Wanke	P. Krunzel
J. Tint	Lfrissiund Nitzal
H. Hermann	Toban Gildebrandt
F. T. Meyer	Toban Moyas
R. Meyer	Thomas W. Grayson
C. Wisenberg	Chas. Schleyer
T. Dietsch	Goha Hendebach
Anna Schmitt	Aher Studer
Friederic Schreiner	John Eufman
George Oswald	Christlut Muller
Stephen Wolhen	Giling Roickur
	Jacob Roesen

House of Representatives

Austin Dec. 19th 1861

To the Hon Chr and members of the Committee on Internal Improvements.

Gents

I have this morning received from Mr. Asa Mitchell the annexed letter which I refer to you, in relation to a petition referred to your Committee in regard to the Alamo Ditch water in San Antonio. Mr. Mitchell is a very respectable citizens of San Antonio, and is one of the owners of the water on that Ditch. I would ask of the Committee to read Mr. Mitchell's letter and to postpone the Consideration of the matter until we hear again from San Antonio, to see if a counter petition is sent.—The Law which the petitioners now ask to have repealed was passed last regular session at the instance of some of the owners of the Ditch

Yours respectfully

A. Navarro San Antonio Dec. 16th 1861

The Committee on Finance to whom was referred the following bills and resolutions, viz., an act entitled an Act to provide for the support of the families of soldiers, a bill to levy and collect a special tax of one-fourth of one per cent for the support of widows and orphans made so by the casualties of war, a resolution upon the same subject, and a joint resolution pledging the faith of the State to pay her full proportion of the war debt; have reported bills upon three subjects, and beg leave to be discharged from further consideration of these bills and resolutions herewith returned to the House.

Horace Cone, Chairman

Report received.

The Committee on Finance to whom was referred the petition of Robert Miller,⁷ Assessor and Collector of State

Hon A. Navaro

Dear Sir

Yours of the 13th inst. at hand. I shall proceed forthwith to get up a counter petition to counteract the viline, Hessions. I am informed that they got many to sign their petition by bare fased lying, they told the people that the law was passed to stop all the tributary ditches to avoid the expense of bridges and culverts and that none below the City was intitled to water but myself and Boring and our great misfortune is we cannot find the law as passed and published to convict them of falsehood will you do me the favour to get the law and send it to me and I will have it published in the paper of this city to show there is no intreague and nothing but what free honest independent would want, that is to controle their own property but the fact is the hessions want to steal all the water and the city council is in league with them the hessions here are as clanish as hell. Please ask for time untill we can get our Petition before the Hon body,

Yours truly,

Asa Mitchell

since writing the foregoing I have ben informed that it is through the lyes and industry of old washbaugh the old hession abolitionist and former ditch comitioner that got the many signers to the Petition for the last 3 or 4 years he has been getting \$75 per month from the City for superrintending the dutch stealing of water and under the new law he looses his \$75. per month and it alarmed him hence his industry and his life and the City council has a majority of the hession Abolition clan hence the resolution passed by them it favour one of their thives, If we are thus to be over run by Abolition dutch we had better leave for other climes I want you to talk plain on this subject and save us if Possible if not we are ruined the dutch will have all the water and thereby menopolose all the vegetable market.

P S I am ashamed to ask you to do so much labor but I have consulted with the interested parties and they say they do not know how to get up a counter Petition untill they know what the Hessions have petitioned for will you have the goodness to send me a copy of their petition - - - I have seen each of the americans who signed the Petition they say old Washbaugh ask them to sign it and they did so without knowing what it was for.

Asa Mitchell

⁷The petition of Robert Miller cannot be located in the Archives.

and County Taxes for the county of Bell, praying the Legislature for relief, have considered the same and a majority of the Committee have instructed me to report the following bill and ask that it may be passed.

The peculiar circumstances attending this case of the petitioner have induced the Committee to regard favorably the petition. At the time the counterfeit money was received by him for taxes, the notorious Payne and Berry had just arrived in the country, and commenced passing their spurious treasury notes upon the farmers of the country. The notes were so well executed as to excite no suspicion upon the part of those receiving them, and, as it was the first counterfeit ever perpetrated upon the currency, the community were taken by surprise. In the county of Bell, of which the petitioner is the collector, these counterfeiters had but recently passed large amounts of spurious money, and in the collection of the taxes, it was almost an inevitable consequence that some of it should fall into the hands of the assessor and collector. Besides his own affidavit to the facts stated in the petition, Mr. Miller is highly vouched for as an honest and upright man, by the representatives from Bell, and as he is unable to bear the loss without great inconvenience and the taking of these counterfeit bills resulted from no carelessness, the Committee believe he should be relieved.

Horace Cone, Chairman

Report received.

The Committee on Finance to whom was referred a bill to be entitled an Act to exempt from taxation the homestead of soldiers who have been disabled for life in the service of the Confederate States, have had the same under consideration and have instructed me to report the same back and recommend its passage with the amendment. After the word "taxation" insert these words: "provided such homestead shall not exceed in value the sum of one thousand dollars."

Horace Cone, Chairman

Reports received.

Mr. Ewing for the Committee on State Affairs made the following report, to wit:

Committee Room, February 16, 1863

To the Speaker of the House of Representatives:

The Committee on State Affairs have had under con-

sideration the report of the Honorable C. S. West and R. J. Townes, Secretaries of State, accompanying the Governor's messages and according to the suggestions contained in said reports instruct me to report the following bills, viz., a bill to be entitled an Act supplementary to an act entitled an Act to define the duties of the Secretary of State, passed May 9, 1846.

A bill to be entitled an Act supplementary to an Act defining the office and duties of notaries public, passed May 13, 1846. Also a bill to be entitled an Act regulating elections, passed March 16, 1848, and to amend the 9th and 14th Sections of an act entitled an Act supplementary to an act regulating elections, passed February 11, 1850, and recommend the passage of the same and herewith return the Secretaries' reports and ask to be discharged from further consideration of the same.

Wm. M. Ewing for the Committee

Report received.

Mr. Rippetoe, Chairman of the Committee on Internal Improvements, made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Your Committee on Internal Improvements have had under consideration the House bill to be entitled an Act prescribing the rates of charges for transportation on railroads during the existing war. A majority of the Committee have instructed me to report the same back to the House and recommend that it do not pass.

A. H. Rippetoe, Chairman

Report received.

Mr. Williams, for the Committee on the Judiciary, made the following report, viz.,

Committee Room, February 14, 1863

To the Honorable Speaker of the House of Representatives:

The Judiciary Committee having considered a bill referred to them to be entitled an Act concerning aliens, and have instructed me to report to the House the accompanying substitute and recommend its passage.

Frank E. Williams
for the Committee

Report received.

Mr. Richardson for the Judiciary Committee made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Judiciary Committee to whom was referred a bill entitled an Act to provide against the hostile invasion of the State of Texas by persons of color have had the same under consideration, and believing that its provisions with slight amendment are well calculated to accomplish the object sought to be attained by it, respectfully report said bill with amendments back to the House and recommend its passage.

A. S. Richardson,
for the Committee

Report received.

Also for the Committee on Military Affairs the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs to whom was referred the joint resolution of the General Assembly of the State of Florida, approved December 11, 1862, have had the same under consideration and in response thereto respectfully submit the accompanying joint resolution and recommend its adoption.

A. S. Richardson,
for the Committee

Report received.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

I am instructed by the Committee on Military Affairs to report the accompanying bill for the defense of the frontier as a substitute for a bill referred to the Committee repealing certain portions of an act entitled an Act to provide for the protection of the frontier, approved 21st December A.D. 1861, and request passage of the bill.

R. F. Flewellen, Chairman

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, made the following reports, to wit:

Committee Room, February 16, 1863

To the Speaker of the House of Representatives:

The Committee on State Affairs have considered a

bill to be entitled an Act to incorporate the Comal Manufacturing Company, and direct me to return the same to the House and recommend its passage.

Thos. E. Hill, Chairman

Report received.

The Committee on State Affairs have considered a House bill to be entitled an Act to incorporate the Texas Paper Manufacturing Company and direct me to return the same to the House and recommend its passage.

Thos. E. Hill, Chairman

Report received.

A message from the Senate announcing that the Senate had adopted a resolution raising a committee of three from the Senate to act conjointly with a committee of five from the House to inquire into the propriety of the state establishing a manufactory at Huntsville in connection with the State Penitentiary, whereupon the Speaker appointed Messrs. _____ a committee to act on the House.

11 o'clock A.M.

The hour for taking up the bill to be entitled an Act to provide for the families of Texas Soldiers made the special order having arrived, the bill was taken up and the House went into a Committee of the Whole, Mr. Flewellen in the chair. The Committee of the Whole rose and upon the Speaker taking his seat, Mr. Flewellen for the Committee of the Whole reports no progress.

Whereupon the House took up the consideration of the bill for the support of the families of Texas soldiers.

Mr. Palmer offered a substitute for the bill, which on motion of Mr. Potter was laid on the table.

Mr. Hays offered a substitute for the whole bill, pending the consideration of which the House adjourned to 3 o'clock P.M.

3 o'clock P.M.

The House met pursuant to adjournment. Roll called, quorum present.

The House took up the consideration of the substitute offered by Mr. Hays, pending which the House adjourned. The question being its adoption, a vote was taken and the substitute lost.

On motion of Mr. Simpson, the House then resolved itself into a Committee of the Whole, Mr. Shelton in the

chair.

4:30 P.M.

The committee of the Whole rose. Mr. Speaker took the chair, whereupon Mr. Shelton for the committee reported progress and asked leave to sit again.

A communication from His Excellency the Governor accompanied with a circular from the President of the Confederate States was announced, received, and read.⁸ The circular from the President was read and referred to the Committee on Military Affairs.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives of the State
of Texas, February 18, 1863.

House met pursuant to adjournment. Prayer by the Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

Mr. Cone, Chairman of the Committee on Finance, made the following report, to wit: To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance have considered a bill referred to them entitled an Act authorizing County Courts to fix the price of commodities. The Committee, aside from a general opposition to the main features of the bill which they entertain, regard the whole plan proposed as impracticable. That some restraint upon the monopolists, speculators, and extortioners might be of benefit, the Committee are not prepared to deny, but they are prepared to assert that if the course indicated in the bill should be pursued it would be productive of harm rather than good. The Committee are at a loss to know how it is to be ascertained when a citizen has a surplus of the commodities mentioned and who shall be constituted the judges of how much of any article a family will consume, and when it shall be deemed an offense to refuse to sell upon the demand of another. If under the provisions of this bill the County Court is to be considered the inquisition, and its decrees are to be law, the Committee would most respectfully suggest that to pass the bill would be dangerous legislation. That the intention of the bill is a good one, no member of the Committee has doubt, but I am instructed to say by the

⁸The nature of the communication from Jefferson Davis cannot be ascertained. Governor Lubbock's letter of transmittal to the legislature is recorded in Executive Record Book No. 82, 1861-1862, p. 41 (Archives Division, Texas State Library).

Committee that in their opinion we had better bear the ills we have than fly to others we know not of. They therefore return the bill to the House and ask that it may not pass.

Horace Cone, Chairman

Report received.

Mr. McCoy for the Committee on Agricultural Affairs made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee on Agriculture to whom was referred a bill to restrict in part the raising of cotton have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

J. C. McCoy,
one of the Committee

Report received.

Mr. Ewing for the Committee on Finance made the following report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance have had under consideration the memorial of Thos. Ballinger,⁹ late assessor and collector of Rusk County, which shows he had collected upon the assessment of taxes for the year 1861 the sum of \$783.13 in Confederate Treasury notes in lieu of that amount of specie authorized by law to be collected to meet the payment of the principal and interest on our State Bonds. The memorial does not pretend that he was ignorant of the provisions of the law, yet in direct opposition to a positive enactment he has knowingly received other currency, thereby defeating its equal operation and the provisions of the Constitution, and for this he asks relief.

The Committee are of the opinion that to grant the relief asked for would be wrong in principle, discriminating and unjust towards the citizens and assessors of other counties, and recommend that the relief be not granted, and asks to be discharged from further consideration of the same.

Wm. M. Ewing,
for the Committee

⁹The memorial of Thomas Ballinger cannot be located in the Archives.

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on State Affairs have considered a joint resolution in reference to trade on the Rio Grande and extending its benefits to the people of the whole State, and a majority of the Committee have directed me to return the same to the House and recommend the adoption of the joint resolution.

Thos. E. Hill, Chairman

Report received.

The joint committee of both Houses to whom was referred the resolution requiring them to examine the cotton and wool card factory of Messrs. Eubank and Company made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The joint committee to whom was referred the resolution requiring them to examine the cotton and wool card factory of Messrs. Eubank and Company situated at Circleville in Williamson County, Texas, and report the expediency of granting state aid thereto, beg leave to report that they have conferred with J. B. Eubank, one of the members of said firm, and find that they are manufacturing a first class hand card, a wool and cotton hand card, and also a wool hand card for the sum of \$15 per pair for the former and \$14 per pair for the latter, and up to this time have only supplied the families of soldiers in the army. That they commenced work under very discouraging circumstances some two or three months since and are now able to make sixty pairs of cards per week, and as soon as some machinery which they have in course of construction is completed, they expect to make twenty-five pairs a day and soon thereafter, and soon thereafter as their machinery is fully completed and perfected they expect to make one hundred pairs of cards a day at a less expense than they now incur.

They do not desire any state aid, but ask that their factory hands be secured to them so long as they turn out a reasonable number of cards for the number of hands they work.

They particularly desire that John Cartis, Private in

Captain Strahorn's Company, and David Armstrong, Private in Colonel A. Smith's command (good hands) on furlough, and James Shaw, an experienced hand in Captain D. Levely's Company, be detailed to work in the factory so long as they may need them and make a reasonable number of cards per hand; and that all other hands liable for military duty employed in and about the business of the factory be exempted on the conditions above; wherefore they report the accompanying resolution and recommend its passage, all of which is respectfully submitted.

Jno. M. Flint, Chairman

Wm. M. Ewing

Henry Dillahunt

D. C. Dickson, Chairman,
Senate Committee

Report received.

Mr. Todd presented a bill to be entitled an Act in relation to the advertising of public sales. Read 1st time and referred to the Committee on the Judiciary.

Mr. Flint offered the following resolutions, to wit: **Resolved**, That the Committee on Finance examine into the expediency of making all taxes or specie on hand payable in specie and report by bill or otherwise. Adopted.

Mr. McCoy offered the following resolution, to wit: **Resolved**, That a Committee of three be appointed to act with a like committee from the Senate to enquire into the condition of the Institutions for the Blind, Deaf and Dumb, and the Lunatic Asylum. Adopted. Whereupon the Speaker appointed Messrs. Townes, McCoy, Cone, and Dillahunt a committee on part of the House.

Mr. Price presented a bill for the relief of Carro M. Quarles. Read 1st time and refused under the rule.

Mr. Beall offered the following resolution, to wit: **Resolved**, That the thanks and gratitude of the House be tendered to Colonel Phil Crump and his men for capturing and hanging the traitor and scoundrel Martin D. Hart and his followers.¹⁰ Adopted.

Mr. Junker offered the joint resolution tendering thanks to Major Watkins and the officers and men under him. Read 1st time, Constitutional rule suspended, read

¹⁰For an account of the career of Hart see William E. Sawyer, "Martin Hart, Civil War Guerrilla," *Texas Military History*, III, No. 3 (Fall, 1963), 146-153.

2nd time and ordered to be engrossed. Constitutional rule further suspended. Read 3rd time and passed.

Mr. Goodrich presented a bill to further define the offense of exciting insurrection or insubordination in slaves. Read 1st time and referred to the Committee on the Judiciary.

Mr. Costley presented a bill for the relief of J. B. Camp's Company called out for the defense of the frontier. Read 1st time and referred to the Committee on Military Affairs.

Mr. Cone offered the following resolution, to wit: **Resolved**, That the Printing Committee be instructed to subscribe for one hundred copies of the **Texas Almanac Extra** during the present session for the use of the members, provided it contains the proceedings of both Houses.

Mr. Ewing moved to strike out the words "one hundred" and in lieu thereof insert "one hundred sixty-five." Carried.

Mr. Buckholts offered the following amendment, to wit: Strike the words "one hundred copies" and insert in lieu thereof the words "five copies for each member." Adopted.

Mr. Way offered the following preamble for the resolution, to wit: "WHEREAS it is probably the best means we can adopt at this time for making public the proceedings of the Legislature." Accepted. Resolution as amended adopted.

Mr. Foote presented a bill to be entitled an Act to authorize the directors of the State Penitentiary to allow the financial agent of the same to purchase additional machinery and to employ outside labor for the same. Read 1st time and referred to the Committee on the Penitentiary.

Mr. Thurmond offered a joint resolution asking the Governor to disband all military organizations known as Coast Guards. Read 1st time and referred to the Committee on Military Affairs.

Mr. Reid of Victoria presented a bill to be entitled an Act to compensate the judges and clerks of elections held in this state. Read 1st time and referred to the Committee on State Affairs.

Mr. Broaddus presented a bill to regulate the distribution of cloth manufactured at the State Penitentiary among the families of soldiers. Read 1st time and referred to the Committee on the Penitentiary.

Mr. McCoy presented a bill to be entitled an Act to subject to forfeiture all articles offered for sale when the person offering the same makes a difference in price between Confederate money and gold and silver and to punish persons making such distinctions, thereby depreciating Confederate money. Read 1st time and referred to the Committee on the Judiciary.

Mr. Ewing presented a bill to be entitled an Act making an appropriation to defray the contingent expense of the extra session of the Ninth Legislature. Read 1st time.

Mr. Alford of Trinity presented a bill to be entitled an Act to divide each of the Counties in this state into four Commissioner's Districts. Read 1st time and referred to the Committee on Counties and County Boundaries.

Mr. Bush presented a bill to be entitled an Act to punish persons obtaining goods under false pretences. Read 1st time and referred to the Committee on the Judiciary.

A message from the Senate was received informing the House that the Senate had passed the following bills originating therein, viz, a bill to be entitled an Act to amend an Act entitled an Act to punish speculators in certain cases.

And a bill to be entitled an Act to amend the 960th Article of the Code of Criminal Proceedings.

Also a joint resolution approving the President's proclamation of December 23, 1863, and that the Senate have adopted the resolution of the House on the subject of raising a joint committee to prepare an address to our soldiers in the field.

ORDERS OF THE DAY

A bill for the relief of parties holding land under Daniel Monroe was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

A joint resolution instructing our Senators and Representatives in Congress to take into consideration the propriety of repealing the exemption under the Conscription Act was taken up. Read 2nd time. Mr. Flint moved to lay the resolution and report on the table, which was lost by the following vote, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Blanch, Clements, Cone, Ewing, Flint, Hardin, Hill, Holland

of Grimes, Maverick, McCoy, McKie, Palmer, Richardson, Roberts, Simpson, Todd, Townes, Walworth, and Williams—21.

NAYS—Messrs. Speaker, Bagby, Beall, Bethel, Broadus, Bush, Buckholts, Camp, Charlton, Cocke, Daugherty, Evans, Foote, Goodnight, Hale, Hardeman, Harwell, Hays, Hall, Hooker, Junker, Magill, Mather, Mathews, Marshall, McNeill, Moores, Neal, O'Quinn, Parker, Perry, Potter, Rains, Reid of Victoria, Rhea, Rippetoe, Shelton, Slaughter, Smith, Taylor, Thurmond, Wade, Way, Werbiskie, and Willis—47 [45].

Mr. Williamson moved to amend the resolution by striking out the word "repeal" and insert in lieu thereof the word "modify." Adopted. The question being thereupon the engrossment, the following vote was taken, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broadus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Costley, Cone, Dillahunt, Daugherty, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Slaughter, Smith, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, Willis, and Williams—70 [72].

Resolution as amended ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

A bill to be entitled an Act to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon rivers in the county of Bell without obtaining license was taken up. Read 2nd time.

Mr. Potter moved to amend by striking out the repealing clause. Adopted. Bill was then ordered to be engrossed and Constitutional rule was suspended. Read 3rd time and passed.

A bill to be entitled an Act declaring void any sales made by the public enemy who may occupy any portion of the territory of the State of Texas was taken up, read 2nd time and ordered to be engrossed. Constitutional rule

suspended and read 3rd time and passed.

A joint resolution to disband the State Troops was taken up. Reead 2nd time with report of the Committee. Report adopted.

The memorial of T. C. Frost and report of the committee thereon was taken up. Report adopted.

A resolution in relation to the issue and circulation of individual change notes as money, and the report of the Committee on State Affairs thereon was taken up. Report read and adopted.

A bill concerning officers was taken up. Report of the Committee read and adopted.

A bill to establish an armory within the walls of the Penitentiary was taken up, read, report adopted.

Mr. Holland of Grimes by leave offered the following resolution, to wit: **WHEREAS** His Excellency Governor Lubbock has called us here for special purposes—to legislate only upon matters of special importance, and such only as pertain to the public good—and **WHEREAS**, we have already gone into much general unimportant and unnecessary legislation and as yet have accomplished but little, and **WHEREAS**, the planting as well as the public interest demand that we should bring our labors to a close, Therefore, for the purpose of hastening and accomplishing these ends, **Be it resolved by the House of Representatives**, That a committee of be at once appointed to select from the business now before us such measures as are necessary to promote the public good, and report a list of them to the House at an early day, and that all such business so reported by said committee be considered privileged questions and acted upon accordingly, and that no other business shall be entertained until after their disposal unless by a vote of three-fourths of the House. Read and ordered to lay over one day.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

The House went into a Committee of the Whole. Mr. Shelton in the Chair.

After some time spent therein the Committee rose. The Speaker resumed the Chair, and the Committee through their chairman reported progress, and asked leave

to sit again at 3 P.M. tomorrow. Report received.

On motion the House adjourned to 9:30 A.M. tomorrow.

House of Representatives of the
State of Texas, February 19, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal read and adopted.

Mr. Townes presented the petition of sundry citizens of Travis County. Read 1st time and referred to the Committee on Stock and Stock-raising.

On leave obtained by Mr. Flint the joint resolution in reference to the card factory of the Messrs. Eubank, and requesting the Governor to detail and exempt certain persons to work in said factory, was taken up, read 2nd time. Mr. Potter moved to amend after the word detail "if it can be done." Adopted. Also to strike out the word "required" and insert in lieu thereof the word "requested." Adopted, and resolution ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

Mr. Cone presented a bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax. Read 1st time.

Mr. Cone, Chairman of the Committee on Finance, made the following report, to wit: To the Speaker of the House of Representatives:

The Finance Committee to whom have been referred sundry bills, resolutions, and petitions relative to the Specie Tax, and the repeal of the law relating thereto, have after mature deliberation instructed me to report the following bill and ask that it may pass.

The Committee believe that the plan proposed is the best and most feasible one that has been suggested, by which the difficulties complained of may be met and aborated. The inconvenience to which the citizen has been subjected to meet the requisitions of the law have been very great, and the Committee believe that under present circumstances it is impossible for the great majority of the people to procure specie hereafter to pay the four per cent requested under the existing law. No proposition could be for a moment entertained which would in the slightest degree impair the credit of the state, and to repeal the law requiring the payment of four cents on the hundred dollars of the taxes in specie to meet the interest on the bonds is-

sued under the provisions of the loan bill would not only impair but almost destroy that credit. The Committee have therefore unanimously agreed upon the provisions of the accompanying bill.

Horace Cone, Chairman

Report received.

Mr. Flewellen, Chairman of the Committee on Military Affairs, by leave made the following report:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs have considered a joint resolution requesting the Governor to disband the military organizations known as the Coast Guard and a majority of the Committee have instructed me to return the joint resolution and recommend the passage of the same.

R. T. Flewellen

Chairman

Report received.

Mr. Alford of Trinity presented a bill to be entitled an Act to inflict punishment by imprisonment in the State Penitentiary on all commissioned officers of the United States Army captured on the soil of Texas. Read 1st time and referred to the Committee on Military Affairs.

ORDERS OF THE DAY

A bill to be entitled an Act to incorporate the Jackson Manufacturing Company was taken up. Read a 2nd time and ordered to be engrossed. Constitutional rule suspended. Read a 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Clements, Cocke, Costley, Cone, Dillahunty, Ewing, Flewellen, Flint, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Slaughter, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, Willis, and Williams—69.

A bill to be entitled an Act in regard to sheriffs of all

the counties was taken up. Read 2nd time with report. Report adopted.

Mr. McNeill presented a bill to be entitled an Act to authorize the County Court of Bastrop County to regulate the pay of sheriffs in certain cases. Read 1st time, Constitutional rule suspended, read a 2nd time. Mr. Slaughter moved to amend a bill by adding "and including the following counties, to wit: Hunt, Tarrant, Collin, Grayson, DeWitt, Denton, Wilson, Fayette, Lavaca, Davis, Bowie, Van Zandt, Kaufman, Henderson, Gonzales, Ellis, Anderson, Rusk, Panola, Falls, Freestone, Wood, Lamar, Cameron, Hidalgo, Guadalupe, Hill, Marion, Upshur, and Trinity Counties" which was adopted and bill ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

A joint resolution on the subject of increasing the pay of soldiers in the Confederate Army was taken up. Read 2nd time. Mr. Camp moved to strike out "15" and in lieu thereof insert "20." Adopted.

Mr. Flint moved to amend by inserting after the words "twenty dollars to be paid in specie."

Mr. Blanch moved to recommend both resolution and amendment. Lost.

Mr. Hays moved to lay resolution and amendment on the table which was lost upon the following vote, to wit:

YEAS—Messrs. Speaker, Dillahunty, Evans, Goodrich, Hays, Hooker, Marshall, McNeill, Palmer, Shelton—10.

NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Cocke, Costley, Cone, Daugherty, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Hale, Hardeman, Harwell, Hall, Hill, Holland of Grimes, Holland of Panola, Hunt, Junker, Magill, Mather, Mathews, Marshall, McCoy, McKie, Moores, Neal, O'Quinn, Parker, Perry, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Smith, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way Werbiskie, Willis—58.

Mr. Flewellen moved to lay the amendment of Mr. Flint on the table, on which the following vote was taken, to wit:

YEAS—Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Buckholts, Bush, Camp, Charlton, Cocke, Costley, Cone, Dillahunty, Evans, Flewel-

len, Foote, Goodnight, Hale, Hardeman, Harwell, Hays, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, McKie, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Price, Rains, Randolph, Rhea, Richardson, Roberts, Slaughter, Smith, Staehely, Taylor, Thurmond, Townes, Wade, Werbiskie, and Willis—56.

NAYS—Messrs. Clements, Daugherty, Ewing, Flint, Goodrich, Maverick, McCoy, McNeill, Reid of Victoria, Rippetoe, Shelton, Walworth, and Way—13.

Mr. Cone offered the following amendment to be inserted after the words "twenty dollars," to wit: "provided it can be done consistently with the welfare of the government and the soldiers." Accepted.

Mr. Flint moved to amend by striking out the words "twenty dollars" and insert in lieu thereof the words "forty dollars."

Mr. Daugherty moved to lay the amendment on the table and the ayes and nays being called for, the following vote was taken, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Bush, Buckholts, Charlton, Cocke, Cone, Daugherty, Evans, Flewellen, Ford, Foote, Goodnight, Hale, Hardeman, Harwell, Hays, Hall, Hill, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Marshall, Maverick, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Staehely, Thurmond, Taylor, Townes, Wade, Werbiskie, and Williams—49 [48].

NAYS—Messrs. Speaker, Blanch, Camp, Clements, Costley, Dillahunt, Ewing, Flint, Goodrich, Holland of Grimes, Mathews, McCoy, McNeill, Reid of Victoria, Richardson, Rippetoe, Shelton, Walworth, Way, and Willis—24 [21].

Mr. Flewellen moved that the previous question which being seconded was put, and the following vote was taken:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Costley, Cone, Dillahunt, Daugherty, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather,

Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Neal, O'Quinn, Palmer, Parker, Perry, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Slaughter, Smith, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Willis, and Williams—72.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a joint resolution tendering the thanks of this Legislature to Major O. M. Watkins and the officers and men under him.

Also a joint resolution requesting the Governor to solicit the detail and exemption of certain persons therein named to work in Messrs. Eubank and Co. cotton card factory, and find the same correctly engrossed.

D. Willis,

for the Committee

Report received.

Mr. Flewellen, Chairman of the Committee on Military Affairs, by leave of the House made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs have considered the petition of sundry persons, members of Captain Rabb's Company, and also the petition of sundry persons under the command of Lieutenant J. B. Barry, and the Committee are of the opinion that the petitioners seek private relief, and as such violation of the rule restricting legislation, and therefore return the petition to the House for its action.

R. T. Flewellen, Chairman

Report received.

On motion the House adjourned to half past 2 P.M.

1½ past 2 P.M.

House met pursuant to adjournment. Roll called, quorum present.

The House went into a Committee of the Whole, Mr. Shelton in the Chair. After some time spent thereon the Committee rose. The Speaker resumed the Chair, and the Committee through the chairman reported progress and asked leave to sit again at 3 P.M. tomorrow. Report

adopted.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives of the
State of Texas, February 20, 1863

House met pursuant to adjournment. Prayer by Chaplain. Roll called, quorum present, Journal of yesterday read, amended, and adopted.

A message from the Senate was received informing the House that the Senate had passed a bill to be entitled an Act appropriating \$200,000 to be expended for the relief of the sick and wounded soldiers of the State of Texas in the Army of the Confederate States.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs have considered a bill to be entitled an Act to inflict punishment by imprisonment in the State Penitentiary upon all commissioned officers of the United States Army captured on the soil of Texas.

Your Committee are of the opinion that the provisions of the bill are in conflict with the laws of all civilized nations engaged in war, and would bring on the Confederate States Government the animosity of those who now are friends, and would react upon us fearfully by retaliations upon the part of the enemy, and as such I return the bill to the House with the request that it do not pass.

R. T. Flewellen, Chairman

Report received.

Mr. Staehely of the Committee on Engrossed Bills made the following report, to wit:

Honorable Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined the Joint Resolution requesting the Governor to solicit the detail and exemption of certain persons therein named to work in Messrs. Eubank & Company's cotton card factory, and find the same correctly enrolled, properly signed, and have presented the same to the Governor for his approval and signature.

J. A. Staehely,
one of the Committee

Report received.

Mr. McCoy for the Committee on Agricultural Affairs made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Agriculture to whom was referred a petition praying the repeal of an act entitled an Act concerning the Alamo ditch in the city of San Antonio and to regulate irrigation thereupon, approved April 8, 1861, have considered the same, and are of the opinion that the prayer of the petitioners should be granted. They have therefore instructed me to report the accompanying bill and recommend its passage.

John C. McCoy,
for the Committee

Report received.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined the following bills, to wit: a bill to be entitled an Act declaring void all sales made by the public enemy who may occupy any portion of the territory of the State of Texas. A bill to be entitled an Act to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon rivers in the county of Bell without obtaining a license. Also a joint resolution concerning retaliation. And also a joint resolution concerning exemptions under the Conscript Act, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on the Penitentiary to whom was referred a bill to regulate the distribution of cloth manufactured at the State Penitentiary among the families of soldiers have had the same under consideration, and have instructed me to report the same back to the House and recommend that it do pass.

A. Perry, Chairman

Report received.

After the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on the Penitentiary to whom was referred the reports of the Superintendent and Financial Agent of the Penitentiary have instructed me to report that having the same under consideration it is the opinion of the Committee that the demand for cloth is so great and the necessity for it is so urgent that every facility should be afforded to increase its quantity without delay. The Committee has therefore adopted the suggestions in said reports to repeal the articles in the Penal Code named in the accompanying bill, by which at least two hours labor to each convict per day will be added to the labor of the institution. They therefore report the accompanying bill and recommend its passage.

A. Perry, Chairman

Report received.

Also the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on the Penitentiary to which was referred a bill to authorize the directors of the State Penitentiary to allow the financial agent of the same to purchase additional machinery and to employ outside labor for the same have had the same under consideration and have instructed me to report the bill back and recommend its passage.

A. Perry, Chairman

Report received.

Mr. Alford, Chairman of the Committee on Counties and County Boundaries, made the following report, to wit: To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Counties and County Boundaries have had under consideration a bill to be entitled an Act to divide each of the counties of the state into four commissioner's districts.

The bill provides that the county courts of each county in the State may, if they think it expedient, divide their respective counties into four commissioners districts as nearly equal in population as practicable and that there-

after one county commissioner shall be elected from each of said districts. Under the present system it's often that the four commissioners who in conjunction with the county judge compose the county court are elected from the same section of the county, and are therefore not qualified to act advisedly upon the local interests and wants of those sections which they do not immediately represent. The bill under consideration happily remedies the evil of the present system by insuring to every section of the county a direct representation upon the county bench. In appointing road overseers, preparing patrollists, and attending to other local interests, it is in the judgment of your Committee essential that the members of the court should reside in different divisions of the county, and unless such is the case they cannot act understandingly or discharge their duties acceptably to the people.

As the bill is calculated to enhance the usefulness and efficiency of the county courts, the Committee are unanimously of the opinion that its passage would be a benefit to the people at large, and therefore instruct me to return the same to the House and earnestly recommend its passage.

Geo. F. Alford, Chairman of
the Committee

Report received.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports, to wit:

To the Honorable Speaker of the House of Representatives:

The Committee on the Judiciary herewith return to the House a bill to be entitled an Act to punish any person who may obtain goods from the State Penitentiary under false pretenses, and recommend that the same be referred to the Committee on the Penitentiary, which has under consideration other like propositions.

M. M. Potter, Chairman

Report received and bill referred to the Committee on the Penitentiary.

Also the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act in relation to advertising public sales. The Committee do not think it necessary or expedient to legislate upon the subject at this time, and therefore direct

me to return the bill to the House and recommend that it do not pass.

M. M. Potter, Chairman

Report received.

Mr. Alford of Trinity offered the following resolution, to wit: **Resolved**, That the House of Representatives will not entertain or act upon any new business after Monday the 23rd instant except such as may come from the Senate, unless by a vote of three-fourths of the House. Read and laid over for a day.

Mr. Flewellen offered the following resolution, to wit: **Resolved**, That the Committee appointed to examine the Deaf and Dumb, Lunatic, and Blind Asylums are hereby requested to report to the House the condition of the Blind Asylum, and if any further Legislation is needed to make the institution beneficial to the blind of the state, and report by bill or otherwise. Read and adopted.

Mr. Moores offered the following resolution, to wit: **Resolved**, That the visiting Committee of the Penitentiary inquire particularly into the report in general circulation as to the loss on bolts, or pieces of cloth coming from said institution which loss is said to be from 4 to 6 yards per piece or bolt. Read and adopted.

Mr. Townes introduced a bill to be entitled an Act to amend the 9th section of an Act entitled an Act to provide for the registration of deeds and other instruments of writing, approved May 12, 1846. Read first time and referred to the Committee on the Judiciary.

Mr. Potter offered the following resolution, to wit: **Resolved**, That the Governor be requested to inform the House what action he had taken, if any, under the provisions of the joint resolution of January 10, 1862, entitled Joint resolution authorizing the Governor to appoint agents to take possession of the salt lake known as Sal del Rey, and to pay over the revenues arising therefrom to the state. Read and adopted.

Mr. Broaddus offered the following resolution, to wit: **Resolved**, That the State Treasurer inform the House at his earliest convenience of the number of the State Bonds which are outstanding, and their amounts, the amount of interest which has been paid thereon, the amount of interest which will fall due within the next year, and also the amount of specie which is now in the Treasury for the pur-

pose of paying the interest on said Bonds, the amount of specie in the Treasury constituting the sinking fund for the redemption of said Bonds, and also the various other amounts of specie in the Treasury and the funds to what they belong. Read and adopted.

ORDERS OF THE DAY

On motion of Mr. McCoy a bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax was taken up, read a 2nd time. Mr. Potter offered the following amendment, to wit: at the end of the last section add "This act shall be in force from and after its passage." Adopted.

Mr. Williams offered the following amendment, to wit: "Provided that the assessors and collectors of the various counties who may have collected in State Treasury notes or Confederate notes any portion of the Specie Tax for 1861 may be permitted to pay the same into the Treasury in the kind of funds he may have received, by his filing with the Comptroller his affidavit, setting forth the fact and said amount replaced in the treasury of the State in specie, if necessary, by sale of cotton, or funds provided for in the act."

Mr. Roberts offered the following amendment to the amendment, to wit: "providing it does not interfere with the money collected on the account of the school fund."

Mr. Cone moved to lay both amendments on the table. Carried.

Mr. Buckley (Mr. Flewellen in the Chair) offered the following amendment, to wit: strike out from the 9th line "The Loan Bill" and insert "An Act authorizing a loan and imposing a specific tax to meet the principal and interest thereof under the provisions of the 33rd section of the 7th article of the Constitution of the State, approved April 8, 1861." Adopted and bill ordered to be engrossed.

A bill to be entitled an Act to prohibit the distillation of grain in the State of Texas during the present war was taken up. Read 2nd time.

Mr. Broadus offered the following amendment, to wit: at the end of the 4th section add "and the Governor, upon the representation of one or more citizens sworn to, and his or their respectability certified to by the Chief Justice, or County Court Clerk, or upon other information satis-

factory to the Governor, that the provisions of this law have been violated is hereby authorized to have said distillery or manufactory suppressed or otherwise disposed of so as to prevent the infraction of this act either by a special posse by him detailed, or by an order to any officer commanding any portion of the militia of the State, and upon such detail or order to such posse or military officer, it shall be their duty to forthwith obey the same; and any person or officer neglecting or refusing to obey such order of the Governor or the militia officer under the Governor shall upon conviction thereof before any court or competent jurisdiction be fined in any sum not less than fifty nor more than one thousand dollars." Adopted.

Mr. Evans offered the following amendment, to wit: "Any alcohol, spiritous, intoxicating or malt liquors or lager beer." Adopted.

Mr. Maverick offered the following amendment, to wit: strike out after the enacting clause all of Section 1st and insert "that an Excise Tax of _____ dollars per gallon be levied and collected on every gallon of ardent spirits distilled in this state from grain."

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

The House went into a Committee of the Whole to consider the bill to relieve the families of Texan soldiers, Mr. Shelton in the Chair. After some time spent therein the Committee rose and the Speaker resumed the Chair. The Committee through the Chairman reported progress and asked leave to sit again. Report received.

On motion the House adjourned to 9 A.M. tomorrow.

House of Representatives of the

State of Texas, February 21, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

Mr. Maverick presented a petition accompanied with a bill to incorporate the San Antonio Mutual Aid Association. Read 1st time and referred to the Committee on the Judiciary.

On motion of Mr. Speaker, Mr. McKie was granted leave of absence for the two ensuing days.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to authorize the county courts of Bastrop and other counties therein named to regulate the pay of sheriffs in certain cases, and a bill to be entitled an Act to incorporate the Jackson Manufacturing Company.

Also a joint resolution on the subject of increasing the pay of the private soldiers in the Confederate Army, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Broadus moved to suspend the further regular business of the day and that the House go into a Committee of the Whole to consider the bill to provide for the families of Texan soldiers. Carried.

After some time spent therein, the Committee rose. The Speaker resumed the Chair. The Committee of the Whole through its Chairman reported progress and asked to be discharged. Report received and Committee discharged.

Mr. Reid, one of the Committee on Agricultural Affairs, made the following report, to wit:

Mr. Speaker:

Being a member of the Agricultural Committee and absent from the meeting which considered and passed upon and reported the substitute for a bill entitled an Act to limit the planting and cultivation of cotton, I beg leave to make the following minority report and ask the same to be spread on the Journal. I am clearly of the opinion that the bill should not pass for these reasons, to wit: 1st. It is of doubtful Constitutionality. 2nd. It is dangerous in its tendencies. 3rd. The legislation aimed at in the passage of the bill will be an infringement upon the privileges and rights of the citizens, which should be carefully preserved and held too sacred to be taken away upon every cry of expediency. 4th. The effect which will be produced upon society by legislative action upon such a subject must be of the most pernicious and detrimental character. 5th. It will be unequal and partial in its operation, discriminat-

ing of the wheat and stock regions of the State, and encouraging distinctions among citizens who should be united to be harmonious. 6th. The precedents to be set by the passage of this act even admitting that under a liberal construction of the Constitution it is in the power of the Legislature to pass it: it will be so dangerous to society and subversive of those rights that we have hitherto supposed were sacred to us, that I deem it my duty in the minority report to protest against this bill being favorably considered by the House.

J. B. Reid,
one of the Committee

Report received.

The bill to be entitled an Act to prohibit the distillation of grain in the State of Texas during the present war, pending the consideration of which the House adjourned yesterday forenoon, was taken up, and the question being upon the adoption of the amendment offered by Mr. Maverick the question was put. Amendment lost.

Mr. Williams moved to reconsider the vote upon the adoption of the amendment of Mr. Evans. Carried. A vote was then taken upon its re-adoption and the amendment was lost.

Mr. Broaddus moved to reconsider the vote taken upon the adoption of the amendment offered by himself, which carried, and the amendment was lost.

Mr. Richardson offered the following amendment, to wit: At the end of the 4th Section insert "Provided that nothing in the provision of this act shall be construed to prohibit any person from distilling or brewing any grain or the produce thereof produced upon his own premises by his own labor or the labor of his own property in the cultivation of the soil.

Mr. Shelton moved to lay it on the table. Carried.

Mr. Camp moved the previous question, to wit: the engrossment of the bill which being seconded was put and carried and the bill ordered to be engrossed.

On motion the House adjourned to 10 A.M. Monday next.

House of Representatives of the
State of Texas, February 23, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of the 21st instant

read and adopted.

Mr. Neal offered a joint resolution authorizing the Governor of the State to call into service a regiment of State Troops for the protection of the northeastern portion of the State. Read 1st time and referred to the Committee on Military Affairs.

Mr. Way presented the memorial of H. Peters, Assessor and Collector of McLennan County. Read 1st time and referred to the Committee on Finance.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports, to wit:

To the Speaker of the House of Representatives:

The Committee on the Judiciary have considered a House Bill to be entitled an Act to extend the estray law two years after the close of the war. The object of the bill appears to be to extend the provision of the act of December 7, 1861, entitled an Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named or until otherwise provided by law, until two years after the close of the war. The regular session of the 10th Legislature will convene two months before the expiration of the act above recited, thus giving ample time for such legislation as may then be deemed necessary and proper. The Committee therefore consider the proposed legislation unnecessary at the time and direct me to return the same to the House and recommend that it do not pass.

M. M. Potter, Chairman

Report received.

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to subject to forfeiture all articles offered for sale when the person offering the same makes a difference in price between Confederate money and gold and silver; and to punish persons making such distinction, thereby depreciating Confederate money. The intent and object of the bill is sufficiently stated in the caption to give a fair understanding of its provisions, and a majority of the Committee being of the opinion that we have no power under the Confederate Constitution to legislate in any

beneficial manner upon the subject and that had we such power the provisions of the bill under consideration could so easily be evaded as to render the legislation useless. I am therefore directed to return the bill to the House and recommend that it do not pass.

M. M. Potter, Chairman

Report received.

Mr. Flint for the Committee on Confederate Relations made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Confederate Relations to whom was referred certain resolutions passed at a public meeting of the citizens of Dallas County beg leave to report that they have had the same under consideration, and that many things recommended in said resolutions are being duly considered by the Legislature and properly provided for in bills now before that body that is in the opinion of the Committee that no further action is required, and therefore they ask to be relieved from a further consideration of the subject.

John F. Flint,
for the Committee

Report received.

Mr. Hays, Chairman of the Committee on Confederate Relations, made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee have had under consideration the joint resolution in relation to prices of articles of prime necessity, and after mature deliberation a majority of the Committee instructed me to report the same back to the House and recommend their passage.

F. M. Hays, Chairman

Report received.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to prohibit the distillation of corn or other grain into alcohol or spiritous liquors in the State

of Texas during the present war, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Foote introduced a bill to be entitled an Act to incorporate the Southwestern Manufacturing Company. Read 1st time and referred to the Committee on State Affairs.

Mr. Todd introduced a bill to be entitled an Act to regulate the distribution of articles manufactured at the State Penitentiary. Read 1st time and referred to the Committee on the Penitentiary.

Mr. Neal offered the following resolution, to wit: **Resolved**, That the Finance Committee be requested to enquire into the expedience of taxing all cotton not in the hands of the producer. Adopted.

Mr. Hardin offered the following resolution, to wit: **Resolved**, That the Committee on the Penitentiary is hereby requested to enquire into the propriety of raising the price on all articles manufactured for clothing on said penitentiary 100 per cent, and the proceeds be subject to the provisions of a bill now pending in the House for the relief of the families of our soldiers and report by bill or otherwise. Adopted.

Mr. Bush introduced a bill to be entitled an Act to compel creditors to receive our currency on all debts due or wait ten years for their money. Read 1st time and referred to the following select Committee, to wit: Messrs. Bush, Todd, McCoy, Holland of Panola, Hunt, and Hardeman.

On motion of Mr. Ewing the bill to be entitled an Act making an appropriation to defray the contingent expenses of the extra session of the Ninth Legislature was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

On motion of Mr. Roberts the bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax was taken up. Read 3rd time.

Mr. Goodnight offered the following amendment, to wit: Insert after "1862" in the 5th line, "and all amounts assessed and uncollected by assessors and collectors for the year 1861," which was lost.

Mr. Broaddus moved to lay the bill on the table, which was lost.

Mr. Townes moved to postpone the further consideration of the bill to 11 o'clock tomorrow. Carried.

A bill to be entitled an Act to authorize the commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State was taken up, read 3rd time and passed.

A resolution resolving that the House entertain no new business after the 23rd instant except [that recommended by a special committee?] was taken up. Read 2nd time.

Mr. Potter moved to lay the resolution on the table. Carried.

On motion of Mr. Flint the bill to be entitled an Act to provide for the families of Texas soldiers was taken up, and the question being the adoption of the amendment adopted by the Committee of the Whole was put and amendment adopted.

Mr. Blanch offered the following amendment, to wit: Amend by adding to Section 5 "and to secure a proper expenditure of said appropriation the persons appointed to ascertain the number of beneficiaries in the several precincts and to purchase for their use the said essential comfort and necessities of life may select a place of deposit in each precinct for the storage and convenient distribution of said articles and should have charge of the same, and be responsible for their safe keeping and faithful disbursement according to the tenor and design of this act; and the several county courts or chief justices after having appointed said precinct agents and bound them by oath and satisfactory bond for the faithful discharge of their duties: and having fixed their compensation as hereinafter provided, shall proceed quarterly or oftener to determine and fix prices to be paid the several articles of essential comforts, and necessity and said agents shall not exceed the price so fixed."

Mr. Moores offered the following amendment, to wit: And in case any person or persons known to have for sale said articles or surplus of them over and above the wants of his own family shall refuse to sell them to said agents at the prices so fixed, it shall then be in the power of the

county courts or chief justice to order the sheriff of the county to have said articles seized from the parties refusing to sell and appropriate them to the uses contemplated in this act; and the owners thereof shall be entitled to receive payment for the same at the prices which shall have been determined by the county court or chief justice.

Mr. Potter moved the previous question, to wit: the engrossment of the bill.

Mr. Hays moved a call of the House which shows the following members absent, to wit: Messrs. Abney, Bagby, Bannerman, Cocke, Costley, Ford, Harrison, Marshall, Hooker, McKie, Navarro, Price, Terrell, Wade, Walling, Woods, and Wortham.

Mr. Shelton moved a suspension of the call. Carried.

Mr. Potter withdrew his motion of the previous question.

Mr. Reid of Victoria moved to lay Mr. Moores' amendment on the table, whereupon the ayes and nays being called for the following vote was taken, to wit:

[YEAS or NAYS?]¹¹ — Messrs. Speaker, Alford of Trinity, Buckholts, Clements, Cone, Dillahunty, Evans, Ewing, Flewellen, Flint, Goodrich, Hall, Hill, Holland of Panola, Hunt, Junker, Mather, Maverick, McNeill, Palmer, Potter, Reid of Victoria, Richardson, Rippetoe, Simpson, Smith, Staehely, Taylor, Thurmond, Townes, Walworth, Way, and Willis—33.

A bill to be entitled an Act to authorize the County Courts of Smith and Walker counties to order and cause to have collected immediately the special tax known as the War Tax was taken up. Read 2nd time. Substitute adopted, amended by adding "Walker County" and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

A bill to be entitled an Act appropriating money defraying all expenses for rations and forage of the 21st Brigade, Texas State Troops, was taken up, read 2nd time and ordered to be engrossed. Constitutional rule suspended, read 3rd time and passed.

A bill to be entitled an Act to sustain the Confederate currency was taken up.

Mr. Flint moved to lay the bill, report, and substitute

¹¹This is probably a YEA vote, but some doubt does exist as to whether YEA or NAY is actually intended.

on the table. The ayes and nays being called for, the following vote was taken, to wit:

YEAS—Messrs. Ewing, Flint, Ford, Maverick, Palmer, Potter, Richardson, Roberts, Simpson, Taylor, Walworth, Way, Werbiskie, and Willis—14.

NAYS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broadus, Bush, Camp, Charlton, Clements, Cocke, Costley, Cone, Dillahunty, Daugherty, Flewellen, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, McCoy, McNeill, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Reid of Victoria, Rhea, Rippetoe, Rusk, Shelton, Slaughter, Staehely, Smith, Thurmond Todd, Townes, and Williams—57.

On motion House adjourned to 3 P.M.

3 P.M.

House met, quorum present.

On motion of Mr. Flint the bill to be entitled an Act for the support of the families of Texas soldiers was taken up.

Mr. Cone moved a call of the House which being ordered was made and the following members found absent, to wit: Messrs. Abney, Bannerman, Evans, Harrison, Harwell, Hale, Hooker, McKie, Moores, Navarro, Price, Terrell, Wade, Walling, Woods, and Wortham.

Mr. Slaughter moved to suspend the call. Motion lost.

Mr. Slaughter moved to suspend the further consideration of the bill until Wednesday and that it be made the special order for that time. Carried.

A bill to be entitled an Act to authorize judgment to be rendered requiring property levied upon by execution to bring nine-tenths of its appraised value in certain cases was taken up, read 2nd time, and made special order for 4 P.M. Wednesday next.

A bill to be entitled an Act to punish a certain offense was taken up. Read a 2nd time, and made special order for 3:30 P.M. on Wednesday next.

A Senate bill entitled an Act to require district attorneys to report to the Comptroller's office in certain cases was taken up. Read 1st time.

A message from the Governor accompanied with returns of cotton purchased for the State was received. Read

and referred to the Committee on the Military Board.

Also a message accompanied by documents in relation to salt lakes, etc., read and referred to the Committee on State Affairs.

Mr. Potter moved to strike out the words "ten years" and insert in lieu thereof "five years."

Mr. Thurmond moved to amend by striking out "five years" and in lieu thereof insert "two years."

Mr. Buckholts moved to lay Mr. Thurmond's [amendment] on the table. Carried.

Mr. Blanch moved to strike out all of the 8th section except "This act shall take effect and be in force from and after its passage."

Mr. Williams moved to lay Mr. Blanch's amendment on the table. Carried. The question then recurring on Mr. Potter's amendment was put and carried, and the bill ordered to be engrossed.

A bill to be entitled an Act to incorporate the Comal Manufacturing Company was taken up, read a 2nd time, and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed by the following vote, to wit: Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Bethel, Broadus, Bush, Buckholts, Clements, Cocke, Costley, Cone, Dillahunt, Daugherty, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Hays, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Marshall, Maverick, McCoy, McNeill, Moores, Neal, O'Quinn, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Rusk, Shelton, Simpson, Slaughter, Smith, Staehely, Taylor, Todd, Townes, Walworth, Way, Werbiskie, Williams and Willis—64.

NAYS—Messrs. Alford of Trinity, Blanch, Camp, Charlton, Harwell, Palmer, and Thurmond—7.

A bill to be entitled an Act to incorporate the Texas Paper Manufacturing Company was taken up, read 2nd time, and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and by the following vote passed, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Bethel, Broadus, Bush, Buckholts, Clements, Cocke, Costley, Cone, Dillahunt, Daugherty, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman,

Hays, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Marshall, Maverick, McCoy, McNeill, Moores, Neal, O'Quinn, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Rusk, Shelton, Simpson, Slaughter, Smith, Staehely, Taylor, Todd, Townes, Walworth, Way, Werbis-
kie, Williams, and Willis—64 [63].

NAYS—Messrs. Alford of Trinity, Blanch, Camp, Charlton, Harwell, Palmer, Price, and Thurmond—8.

Mr. Smith moved to adjourn to 9 A.M. tomorrow. The ayes and nays were called for, and the following vote was taken, to wit:

YEAS—Messrs. Speaker, Bagby, Buckholts, Clements, Cocke, Costley, Cone, Dillahunty, Ewing, Flewellen, Flint, Ford, Goodrich, Goodnight, Hill, Holland of Panola, Junker, Mathews, Martin, McNeill, Palmer, Potter, Price, Reid of Victoria, Richardson, Rippetoe, Simpson, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Walworth, Way, and Willis—36.

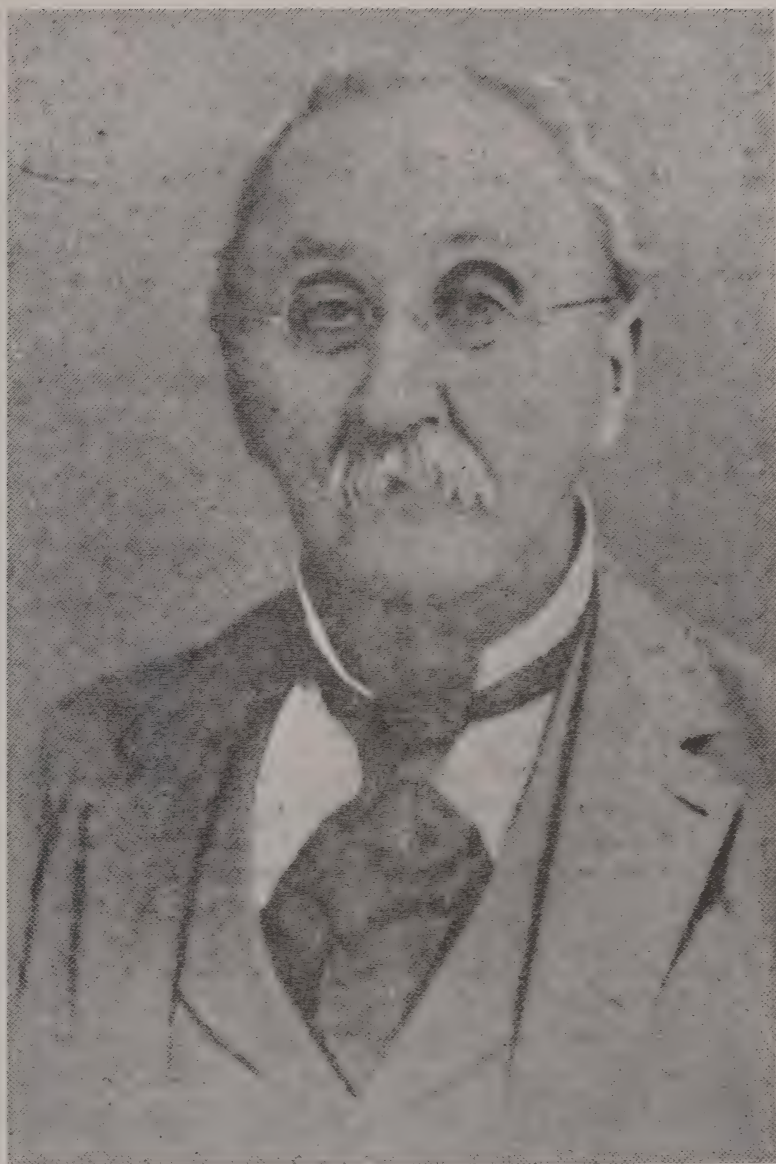
NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Daugherty, Foote, Goodnight, Hale, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Hooker, Hunt, Magill, Marshall, Maverick, McCoy, Moores, Neal, O'Quinn, Parker, Perry, Rains, Randolph, Roberts, Rusk, Shelton, Slaughter, Werbis-
kie and Williams—37. Motion lost.

Mr. Buckholts moved to adjourn to 10 A.M. tomorrow and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Speaker, Bagby, Buckholts, Clements, Cocke, Cone, Dillahunty, Flewellen, Flint, Ford, Goodrich, Hill, Holland of Panola, Junker, Mathews, Marshall, Maverick, McNeill, Moores, Palmer, Potter, Price, Reid of Victoria, Richardson, Rippetoe, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Walworth, Way, and Willis—37 [34].

NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Daugherty, Foote, Hale, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Hooker, Hunt, Magill, McCoy, Moores, Neal, O'Quinn, Parker, Perry, Rains, Randolph, Roberts, Rusk, Shelton, Slaughter, Werbis-
kie, and Williams—36. Motion carried.

House adjourned to 10 A.M. tomorrow.



J. K. Holland

Photograph from Dudley G. Wooten, *A Comprehensive History of Texas* (2 vols.; Dallas: William .G. Scarff, 1898), II, 168.

House of Representatives of the
State of Texas, February 24, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read, amended, and adopted.

Mr. Potter, Chairman of the Judiciary Committee, made the following reports, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to incorporate the San Antonio Mutual Aid Association, and direct me to return the same to the House with amendments and recommend the adoption of the amendment and the passage of the bill. The by-laws of the Association, which are before the Committee, show that its objects are very laudable and during the war will accomplish much good by furnishing supplies at reasonable rates to the people in and about San Antonio. The Committee do not, however, think it proper that such an Association should be incorporated for general commercial purposes to continue for any considerable time after the close of the war, and therefore have proposed the amendment limiting it to a shorter period than stated in the bill.

M. M. Potter, Chairman

Report received.

Mr. Willis for the Committee on Engrossed Bills made the following reports, to wit:

To the Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act appropriating money defraying all expenses for rations and forage of the 21st Brigade, Texas State Troops.

A bill to be entitled an Act to authorize the County Courts of Smith and Walker Counties to levy a special tax for war purposes and have the same collected immediately.

A bill to be entitled an Act making appropriations to defray the contingent expenses of the extra session of the Ninth Legislature, and find the same correctly engrossed.

D. Willis,

for the Committee

Report received.

Mr. Neal introduced a bill to be entitled an Act to amend an Act to incorporate the Town of Weatherford.

Read 1st time and referred to the Committee on State Affairs.

Mr. Richardson introduced a bill to be entitled an Act to incorporate the Houston Mutual Aid Association. Read 1st time and referred to the Committee on the Judiciary.

Mr. Clements introduced a bill to be entitled an Act providing for recording marks and brands alphabetically. Read 1st time and referred to the Committee on Stock and Stock-raising.

Mr. Way introduced a bill to be entitled an Act authorizing the release of securities on bonds of assessor and collector, read 1st time and referred to the Committee on the Judiciary.

A message from the Senate was received informing the House that the Senate had passed the following House bills and resolutions, to wit: A bill to be entitled an Act to suspend all statutes of limitation in civil rights of actions of every kind whether real or personal until one year after the close of the war between the Confederate States and the United States, with the following amendment, to wit:

Amend after the words "United States" in the 2nd section, "provided that the limitation upon all rights of action for injuries done to the person of another, as of assault and battery, wounding or imprisonment and for injuries done to the character or reputation of another, as of bill of slander, shall not be suspended by the provisions of the act."

Also a bill to be entitled an Act to amend the 19th, 20th, and 47th sections of an act entitled to regulate proceedings in the County Courts pertaining to estates of deceased persons, approved March 20, 1848.

Also a bill to be entitled an Act to suspend the operations of the estray laws for and during the existence of the present war, and for six months after its termination except in certain cases.

Also a bill to be entitled an Act to release to the heirs of Colonel B. F. Terry all the rights, title, and interest of the State of Texas in and to the property owned by said Terry at the time of his death [as was] devised by his last will.

Also a bill to be entitled an Act to revise and continue in force an act entitled [an Act to] incorporate the Galveston and Houston Junction Railroad Company, approved

April 8, 1861, and to amend said act.

Also a bill to be entitled an Act to prescribe the residence of county surveyors.

Also a bill to be entitled an Act in relation to judicial proceedings in counties in possession of or endangered by the enemy.

Also a joint resolution in relation to the indebtedness of the Confederate States, with the following amendment, to wit: In the 5th line of the 1st section strike out "assumption and . . ."

ORDERS OF THE DAY

The bill entitled an Act to provide for the families of Texas soldiers [which was] suspended yesterday under the operations of a call of the House was taken up.

Mr. Moores asked leave to withdraw his amendment to Mr. Blanch's amendment. Leave granted.

Mr. Broaddus offered the following substitute to Mr. Blanch's amendment, to wit: "And to secure a proper expenditure of said appropriation the persons appointed to ascertain the number of beneficiaries in the several precincts and to purchase for their use the said essentials, comforts, and necessities of life may select a place of deposit in each precinct for the storage and convenient distribution of said articles and shall have charge of the same and be responsible for their safe-keeping and faithful disbursement according to the tenor and design of this act: and the several county courts, or chief justices after having appointed said precinct agents and bound therein by oath and satisfactory bond and for the faithful discharge of their duties and having fixed their compensation as hereinafter provided shall proceed quarterly or oftener to determine and fix prices to be paid for the several articles of essential comfort and necessity and said agents shall not exceed the prices so fixed: and in case any person or persons known to have for sale said articles or a surplus of them over and above the wants of his own family shall refuse to sell them to said agents at the prices so fixed, it shall then be in the power of the county court or chief justice to order the sheriff of the county to have said articles seized from the parties refusing to sell and appropriate them to the uses contemplated in this act: and the owners thereof shall be entitled to receive payment for the same at the prices which shall

have been determined by the county courts or chief justices, and in case any person or persons not in the service of the Confederate States shall refuse to sell to such agent at the prices so fixed, and proof on oath by at least one citizen of the County shall be made to the county courts or to the chief justice of the county that such person so refusing to sell to said agents has such articles for sale: or has on hand a surplus of such article or articles over and above the amount necessary fully to supply the wants of his own family; then and in that case the county court or chief justice may order the sheriff of the county to seize from such person or persons so refusing to sell such article or articles and appropriate them to the uses contemplated in this act, and the owner of the articles so seized shall be entitled to receive payment for the same at the prices which shall have been determined by the county court or chief justice. Provided that should the person whose property is so seized be unwilling to receive Confederate notes in payment for the articles so seized, then in that case the agent so appointed by the county court to make such payment by and he is hereby authorized to tender to the person so refusing to receive Confederate notes a draft on the Treasurer of the State for the amount due such person which draft shall be paid by the Treasurer wherever there is a sufficiency of specie in the Treasury not otherwise appropriated and the county court shall keep an account of such drafts and return a list thereof together with the amounts of each, and the aggregate sum thereof shall be deducted by the Treasurer from the amount to which such County would be entitled under this act.

Pending the consideration of which the hour for taking the bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax which was made the special order for 11 A.M. today having arrived, the bill was taken up. Read 3rd time and passed.

The special order being disposed of the bill for the support of the families of Texan soldiers was taken up, whereupon Mr. Cone moved that a call of the House be made and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Speaker, Buckholts, Costley, Cone, Dillahunt, Ewing, Flewellen, Flint, Ford, Goodrich, Hale, Hill, Junker, Mather, Maverick, McNeill, Palmer, Potter,

Reid of Victoria, Richardson, Rippetoe, Simpson, Staehely, Thurmond, Taylor, Townes, Walworth, Way, Werbiskie, and Willis—31. [30].

NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Clements, Cocke, Daugherty, Foote, Goodnight, Hall, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Holland of Panola, Hooker, Hunt, Magill, Mathews, Marshall, McCoy, McKie, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Shelton, Slaughter, Todd, and Williams—42.

The call being made the following members were absent, to wit: Bannerman, Evans, Harrison, Hooker, Navarro, Price, Reid of Victoria, Rusk, Terrell, Wade, Walling, Woods, and Wortham.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

The bill to be entitled an Act to support the families of Texas soldiers was taken up, and on motion of Mr. Cone was postponed till tomorrow and made the special order for consideration immediately after the business of the morning is disposed of.

By leave of the House, Mr. Townes offered the following resolution, to wit: **Resolved**, That it is the sense of the House that Rule No. 56 with regard to calls of the House shall be hereafter construed to apply only to such absent members as shall be within the control of the House, but shall not be construed to apply to such as are absent from the seat of government without the intention of being present during the session. Ordered to lay over for one day. — Townes.

A bill to be entitled an Act to punish those who take the Alien Oath and refuse to participate in our struggle, was taken up, read 2nd time, substitute adopted, and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

A bill to be entitled an Act prescribing the rate of charges for transportation on railroads during the existing war was taken up. Read 2nd time and on motion of Mr. Todd was laid on the table.

A bill to be entitled an Act to provide against the

hostile invasion of the State of Texas by persons of color was taken up, read 2nd time and ordered to be engrossed. Constitutional rule was suspended. Bill read 3rd time and passed.

A bill to be entitled an Act to provide for the defense of the frontier and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861, was taken up, read 2nd time and substitute adopted. Mr. Potter moved to strike out the 3rd section. Carried, and bill ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time.

Mr. Flewellen moved to fill the blank in the bill with \$800,000. Carried and bill passed.

A bill to be entitled an Act to exempt from taxation the homesteads of soldiers who have been disabled for life in the service of the Confederate States was taken up, Committee's amendment, to wit: "provided such homestead shall not exceed in value the sum of \$1,000," was adopted.

Mr. Williams offered the following amendment, to wit: amend by saying "that the property of soldiers permanently disabled shall be exempt from taxation provided that their whole property does not exceed in value \$1,000." Adopted.

Mr. Goodrich moved to lay the bill and amendments on the table and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Bagby, Foote, Goodrich, Hooker, Mathews, Maverick, Palmer, Rains, Shelton—9.

NAYS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Cone, Dillahunty, Daugherty, Evans, Ewing, Flewellen, Flint, Goodnight, Hale, Hardin, Harwell, Hays, Holland of Grimes, Hall, Magill, Mather, Marshall, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Parker, Perry, Potter, Randolph, Reid of Victoria, Richardson, Rippetoe, Roberts, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Walworth, Way, Werbiskie, Willis, and Williams—55.

Mr. Flewellen offered the following amendment, to wit: "And widows whose husbands have lost their lives in the military service of the country." Adopted and bill ordered to be engrossed.

Mr. Goodrich offered the following amendment, to

wit: "provided that this shall be an addition to the general exemption."

Mr. McCoy offered the following substitution: "provided that this exemption shall be exclusive of any exemption heretofore made." Pending which the House adjourned to 10 A.M. tomorrow.

House of Representatives of the State
of Texas, February 25, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

Mr. Willis for the Committee on Engrossed Bills made the following reports, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to incorporate the Comal Manufacturing Company. Also a bill to be entitled an Act to incorporate the Texas Paper Manufacturing Company, and find the same correctly engrossed.

D. Willis,

for the Committee

Report received.

Mr. Hale presented the memorial of S. F. Mains in behalf of Montague County. Read and referred to the Committee on Military Affairs.

Mr. McCoy also presented another memorial from S. F. Mains in behalf of citizens residing on the northern frontier praying for military protection. Read and referred to the Committee on Military Affairs.¹²

Mr. Shelton offered the following resolution, to wit:
Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Texas will adjourn **sine die** on Monday the 2nd day of March A.D. 1863. Adopted.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to amend the ninth section of an act entitled an Act to provide for the registration of deeds and

¹²Neither of the memorials of S. F. Mains can be located in the Archives.

other instruments of writing, approved May 12, 1846, and direct me to return the same to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to incorporate the Houston Mutual Aid Association, and direct me to return the same to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

Mr. Hill, Chairman of the Committee on State Affairs, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on State Affairs to whom was referred a bill to be entitled an Act to incorporate the Southwestern Manufacturing Company have considered the same and direct me to return it to the House and recommend its passage after striking out the 14th section of the bill.

Thos. E. Hill, Chairman

Report received.

To the Speaker of the House of Representatives:

The Committee on State Affairs have considered a House bill entitled an Act to incorporate the town of Weatherford and direct me to return the same to the House and recommend that it pass.

Thos. E. Hill, Chairman

Report received.

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on the Penitentiary to which was referred a bill entitled an Act to punish persons obtaining goods under false pretenses, have had the same under consideration, and believing that such a law would have a salutary effect in preventing fraud and thereby promoting justice and equality in the distribution of the goods manufactured at the Penitentiary. The Committee has therefore unanimously instructed me to report the bill back without amendment, and recommend its passage.

A. Perry, Chairman

Report received.

Mr. Townes for the Finance Committee made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on Finance have had under consideration a bill to be entitled an Act to exempt certain persons who are or who may be in the service of the Confederate States or this State as soldiers in the present war from the payment of taxes, and a bill to be entitled an Act to relieve the officers, non-commissioned officers, and privates in the Army of the Confederate States from the payment of the Poll Tax. The Committee instructed me to report the accompanying bill as a substitute for both of said bills and recommend its passage.

E. D. Townes,
for the Committee

Report received.

Mr. Bush, Chairman of the Special Committee on a bill to be entitled an Act to compel creditors to receive our currency, etc., made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Special Committee to whom was referred a bill to be entitled an Act to compel creditors to receive our currency on all debts sure or heretofore contracted, or wait ten years for their money, have had the same under consideration and have instructed me to report the accompanying substitute and recommend its passage.

Bush, Chairman

Report received.

Mr. Blanch offered the following resolution, to wit:

Resolved, That the Committee on Confederate Relations be and are hereby instructed to inquire into the condition of the trade now being carried on by the citizens of Mexico with the Confederate States and also of the trade carried on between the said citizens of Mexico and persons residing in Texas, whether the traffic between residents of Texas and Mexico is restricted by the military authority of the Confederate States and (if so restricted) to what extent the expediency of memorializing the Confederate Congress either to prohibit the trade altogether or to make it free altogether what jurisdiction the State of Texas had over said trade or traffic and to report by bill or otherwise.

Adopted.

Mr. Maverick offered the following resolution, to wit: **Resolved**, That the Committee on the Penitentiary be instructed to enquire into the policy of selling to the highest bidder at stated periods all or any part of the surplus goods made at the Penitentiary over and above what may be wanted by the State for the use of the Army and the families of soldiers in the field, said sales to be made under suitable restrictions and for the sole use of the families of citizens. Adopted.

Mr. Foote introduced a bill entitled an Act to add the counties of Hunt and Fannin to the 8th Judicial District. Read 1st time. Mr. Dillahunty moved to refer it to a select committee of five. Mr. Ewing moved to strike out "five" and insert "seven." Carried. Referred to the following committee, to wit: Dillahunty, Clements, Todd, Bagby, Ewing, Marshall, and Foote.

Mr. Daugherty introduced a bill to be entitled an Act making appropriation for the mileage and **per diem** pay of the members and **per diem** pay of the officers of the extra session of the Ninth Legislature. Read 1st time.

Mr. Flewellen moved to suspend the Constitutional rule and to put the bill on its second reading. Motion lost.

A message from the Senate was received informing the House that the Senate had passed the following Senate bills, to wit: A bill to be entitled an Act to provide a special fund to aid taxpayers in payment of the Specie Tax.

Also a bill to be entitled an Act authorizing judgments to be rendered requiring property levied upon by execution or sale under any deed of trust or mortgage to bring nine-tenths of the value in certain cases.

SPECIAL ORDER FOR 11 O'CLOCK

The bill entitled an Act to support the families of Texas soldiers made the special order for 11 A.M. today was taken up.

Mr. Blanch moved to lay the bill on the table temporarily. Carried.

Mr. Blanch then moved to take up the resolution for construing the 56th Rule of the House. Carried.

Mr. Potter moved to amend the resolution by striking out the word "hereafter" and inserting in lieu thereof the words "during the present session." Adopted.

Mr. Richardson moved to strike out the words "seat of Government" and in lieu thereof insert the word "State."

On motion of Mr. Shelton, Mr. Richardson's amendment was laid on the table, and the resolution as amended was adopted.

On motion of Mr. Townes the bill made the special order was taken up.

On motion of Mr. Cone the roll of the House was called.

Mr. Hays moved to adjourn to 3 P.M. Motion lost.

The question recurring on the adoption of Mr. Broadus' substitute for Mr. Blanch's amendment, Mr. Roberts moved a call for the ayes and nays which being seconded the following vote was taken, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Bush, Camp, Charlton, Daugherty, Foote, Goodnight, Hale, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Hooker, Hunt, Magill, Mathews, McCoy, McKie, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Shelton, Slaughter, Todd, and Williams.—37.

NAYS—Messrs. Speaker, Buckholts, Clements, Costley, Cone, Dillahunty, Ewing, Flint, Ford, Flewellen, Goodrich, Hall, Hill, Holland of Panola, Junker, Mather, Marshall, Maverick, McNeill, Palmer, Potter, Reid of Victoria, Richardson, Rippetoe, Rusk, Simpson, Smith, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, and Willis.—36. Substitute adopted.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

On motion of Mr. Potter the House bill entitled an Act to suspend all statutes of limitation until one year after the war, reported from the Senate and passed with an amendment was taken up and Senate's amendment agreed to.

Also the House joint resolution in relation to the Confederate debts reported from the Senate passed with amendment was taken up and Senate's amendment agreed to.

Mr. Willis for the Committee on Engrossed Bills made the following reports, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax.

Also a bill to be entitled an Act to punish those who take the Alien Oath and refuse a participation in our struggle, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

SPECIAL ORDER FOR 3 P.M.

The bill to be entitled an Act authorizing judgments to be rendered requiring property levied upon by execution to bring nine-tenths of its appraised value in certain cases, was taken up.

Mr. Williams moved to lay for the present the bill and report on the table. Carried.

On motion of Mr. Williams, the Senate Bill entitled an Act authorizing judgments to be rendered requiring property levied upon by execution or sale under any deed of trust or mortgage to bring nine-tenths of its value in certain cases was taken up. Read 1st time and referred to the Committee on the Judiciary.

The House bill entitled an Act authorizing judgment to be rendered requiring property levied upon by execution to bring nine-tenths of its appraised value in certain cases, was taken up.

Mr. Reid of Victoria moved to lay the Committee's report on the table. The ayes and nays being called for, the following vote was taken, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Camp, Bush, Charlton, Clements, Daugherty, Goodnight, Hale, Harde-man, Hardin, Harwell Hays, Holland of Grimes, Holland of Panola, Hooker, Magill, Mather, Mathews, Marshall, McCoy, McKie, Neal, O'Quinn, Parker, Perry, Price, Randolph, Reid of Victoria, Rhea, Rippetoe, Shelton, Slaughter, Taylor, Thurmond, Wade, and Williams—42.

NAYS—Messrs. Blanch, Buckholts, Cone, Dillahunty, Ewing, Flewellen, Flint, Ford, Foote, Goodrich, Hall, Hill, Junker, Maverick, McNeill, Moores, Palmer, Rains, Richardson, Roberts, Todd, Townes, Walworth, Werbiskie, and Willis—26. Motion carried.

Mr. Williams moved to lay the bill on the table. Carried.

Mr. Alford of Tarrant moved to reconsider the vote referring to the Senate [a bill] entitled an Act authorizing judgments to be rendered requiring property levied upon by execution or sale under deeds of trust or mortgage to bring nine-tenths of its value in certain cases. Carried and reference withdrawn.

Mr. Slaughter moved to suspend the Constitutional rules that the Senate Bill entitled an Act authorizing judgments to be rendered requiring property levied upon by execution or sale under any deed of trust or mortgage to bring nine-tenths of its value in certain cases, be taken up and put upon its 2nd reading. Carried. Bill read 2nd time and ordered to be engrossed.

On motion of Mr. Williams, the further consideration of the bill was postponed till 3 P.M. tomorrow and made the special order for that hour.

The bill entitled an Act to sustain the Confederate currency was taken up, and on motion of Mr. Williams was laid on the table.

The special order for the afternoon being disposed of, the special order pending which the House adjourned at noon, to wit: the bill entitled an Act to provide for the support of the families of Texan soldiers was taken up.

Mr. Buckley, Mr. Flewellen offered the following amendment to Mr. Broadus' substitute, to wit: after the word "States" in the 18th line, read "or person who has a son or sons or son-in-law or sons-in-law in the military service of the Confederate States."

Mr. Camp moved to lay the amendment on the table, and the ayes and nays being called for, the following vote was taken, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broadus, Bush, Camp, Charlton, Daugherty, Foote, Goodnight, Hale, Hardeman, Hardin, Harwell, Hays, Hooker, Magill, Mathews, Marshall, McCoy, McKie, Moores, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Shelton, Slaughter, and Williams—38 [37].

NAYS—Messrs. Speaker, Buckholts, Clements, Cone, Dillahunt, Ewing, Flewellen, Flint, Ford, Hall, Hill, Holland of Grimes, Holland of Panola, Junker, Mather, Mav-

erick, McNeill, Palmer, Potter, Reid of Victoria, Richardson, Rippetoe, Simpson, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, and Willis—34. Motion carried and amendment laid on the table.

Mr. Townes offered the following amendment, to wit: Strike out the words "shall be paid by the Treasurer of this State whenever there is a sufficiency of specie in the Treasury" and insert "which draft shall be passed upon by the Comptroller and paid by the Treasurer as other claims against the State." Add to the end of the amendment "and the person from whom such articles are so taken shall if he be dissatisfied with the price so assessed by the county court have the right to have the same reassessed as soon as possible by three persons under oath, one appointed by himself, one by the court, and the third by the other two appraisers, and either party shall have the right of appeal to the district court of the county, which appeal shall be tried *de novo* as cases of new trial at law, and if on the trial before the appraisers they shall increase the valuation of said articles as appraised by the county court shall pay all costs of proceedings from the opening of the process of seizure to the final determination of the contest, otherwise the owner of said articles shall pay the same. Adopted.

The House adjourned to 10 A.M. tomorrow.

House of Representatives of
the State of Texas, February 26, 1863

The House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read, amended, and adopted.

Mr. Willis for the Committee on Engrossed Bills made the following reports, to wit:

To the Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to provide for the defence of the frontier and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861.

Also a bill to be entitled an Act to provide against the hostile invasion of the State of Texas by persons of color, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Magill presented the memorial of sundry citizens of Burnett County praying for military protection. Read 1st time and referred to the Committee on Military Affairs.

On motion of Mr. Cone the bill entitled an Act to authorize the Comptroller of the State of Texas to refund the sum of \$440 to Robert Miller, Assessor and Collector of Bell County, and the Committee report thereon was referred back to the Finance Committee.

Mr. Hays presented the memorial of B. L. Goodman in relation to our finance.¹³ Read and referred to the Committee on Finance.

Mr. Cone, Chairman of the Committee on Finance, made the following reports, to wit:

Mr. Speaker:

The Committee on Finance to whom was referred a resolution relative to the expediency of taxing all cotton not in the hands of the producer have had the same under consideration and have instructed me to report back and ask to be discharged from further consideration of the subject. The Committee do not think that it would be proper to tax cotton as contemplated by the resolution, believing it would ultimately be the same as if it were taxed in the hands of the producer. In our efforts to benefit the country by legislation, the Committee are awakened to the danger of legislating too much; hence the desire to be discharged from considering further the resolution herewith returned.

Horace Cone, Chairman

Report received.

To the Speaker of the House of Representatives:

The Committee on Finance to whom was referred a resolution relative to the expediency of making all taxes in specie on land payable in specie, have had the same under consideration and have instructed me to report the same back and ask to be discharged from the further consideration on the subject, believing that it is neither wisdom or sound policy to make such distinction as the resolution contemplates.

Horace Cone, Chairman

Report received.

A message from the Honorable Senate informing the

¹³The memorial of B. L. Goodman cannot be located in the Archives.

House that the Senate had passed the House bill entitled an Act for the relief of parties holding lands under Daniel Monroe was received.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered several bills, proposing amendments to the Code of Criminal Procedure and herewith report to the House a bill in lieu of the bills referred and recommend the passage of the bill.

M. M. Potter, Chairman

Report received and bill read 1st time.

On motion of Mr. Potter, the Constitutional rule was suspended. Bill read 2nd time and bill ordered to be engrossed. Constitutional rule further suspended. Bill read 3rd time and passed.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following report, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered several bills proposing amendments to the Penal Code and herewith report to the House a bill in lieu of the bills referred and recommend the passage of the bill.

M. M. Potter, Chairman

Report received.

Bill read 1st time. On motion of Mr. Potter, the Constitutional rule was suspended and bill put upon its 2nd reading and ordered to be engrossed. Constitutional rule was further suspended, bill read 3rd time and passed.

Mr. Flewellen, Chairman of the Committee on Military Affairs, made the following report to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Military Affairs have considered a joint resolution authorizing the Governor to call into service a regiment of State Troops for the protection of the northeastern portion of the State. Your Committee are of the opinion that under the law the Governor is charged with the defense of the State from sudden irruptions and invasions and can at any time to suppress rebellion and insurrections, or repel invasion, call into service any and all organized regiments of the State Troops for such purpose. In addition to that arm of defense, the State is now substi-

tuting a regiment of mounted volunteers on the Indian border, and as the Governor is permitted under the law to exercise his discretion as to when the emergency has arrived for calling additional troops into the service, we hereby return the joint resolution to the House with the opinion that no further legislation is necessary and ask to be discharged from any further consideration.

R. T. Flewellen, Chairman

Report received.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports, to wit:

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act to further define the offence of exciting insurrection or insubordination in slaves and to prescribe the punishment therefor, and herewith return the same to the House with a substitute therefor, and recommend the adoption of the substitute and the passage of the bill.

M. M. Potter, Chairman

Report received.

To the Speaker of the House of Representatives:

The Judiciary Committee have considered a House bill to be entitled an Act authorizing the release of sureties on the bonds of assessors and collectors, and a majority of the Committee direct me to return the same back to the House and recommend its passage.

M. M. Potter, Chairman

Report received.

Mr. Buckholts, Chairman of the Committee on Public Lands, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on Public Lands have had under consideration a bill without a title.

Mr. Staehely, Chairman of the Committee on Enrolled Bills, made the following report:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, viz., A bill to be entitled an Act in relation to judicial proceedings in counties in possession of or endangered by the enemy.

A bill to be entitled an Act to release to the heirs of

Colonel B. F. Terry all the rights, title, and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by his last will.

A bill to be entitled an Act to revive and continue in force an Act entitled an Act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act.

A bill to be entitled an Act to prescribe the residence of County Surveyors.

A bill to be entitled an Act to suspend the operations of the estray laws for and during the existence of the present war and for six months after its termination, except in certain cases.

A bill to be entitled an Act to amend the 19th, 20th, and 47th sections of an act entitled an Act to regulate proceedings in the county courts pertaining to estates of deceased persons, approved March 20, A.D. 1848.

And find the same correctly enrolled, properly signed, and have presented the same this day to the Governor for his approval and signature.

J. A. Staehely

Caption granting to each and every citizen of the State of Texas that has been or is at this time or may hereafter become a soldier of the Confederate States a donation of 160 acres of land out of the public domain of the State of Texas. The Committee are of the opinion that grants of land to soldiers for service rendered the county are proper, but do not think that it is the proper time for the proposed legislation. The Committee therefore instruct me to return the bill to the House and recommend that it do not pass.

John Buckholts, Chairman

Report received.

The minority of the Committee on Internal Improvements made the following minority report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The undersigned, a minority of the Committee on Internal Improvements to which was referred a bill to be entitled an Act prescribing the rates of charges for transportation on railroads, beg leave to dissent from the report of the majority for the following reasons: The rates heretofore fixed by law had reference to roads one hundred miles long and the rates were established for sections of that

length. It must be obvious to every one that the cost of operating a railroad ten, twenty, or thirty miles in length is about as much as the cost of operating one a hundred miles long. It requires the same officers to manage the road, the same employees to equip the train, the same forces at depots to load and unload cars in either case. The only difference of cost on a long road is the expense of keeping a longer track in order and the very slightly greater wear and tear of machinery. The expense of loading and reloading is the same irrespective of the length of the road, and in almost every case of freighting heavy articles such as steam boilers, millstones, hogsheads of hardware, etc., the cost of putting on and taking off these articles is greater than the amount of freight which can be collected. These facts are stated in reference to times of peace and are the results of the nature of things. It is a fact known to every one that our railroads in Texas are short, not one of them being in operation to the extent of one hundred miles. Some of these roads in ordinary times, when there was no restriction on production or commerce, nearly met the expense of operating them—on others the expense exceeded the gross receipts. The bill before the Committee provided for an increase of charges during the existence of the war **only**. The object sought by the bill is just and proper and in many cases necessary to the existence of railroad companies. Most men employed on railroads have to depend on salaries for subsistence for themselves and families (if they should have families). The cost of subsistence at this time is more than 100 per cent over the cost before the war commenced and when the rate of charges was fixed by law. The same may be said more emphatically of the cost of iron, steel, implements for repairs, and lubricating substance for machinery. The increase of prices for these articles is more than 300 percent. For these reasons we think that the relief provided for by the bill should be given.

J. D. Todd

E. A. Blanch

Report received.

Mr. Richardson for the Committee on Military Affairs made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on Military Affairs to whom was re-

ferred a bill to be entitled an Act to authorize the imprisonment of a certain portion of the male slaves of the State of Texas to work on fortifications for the defense of the State, have had the same under consideration and herewith report a substitute for the original bill and recommend its passage.

Richardson,
for the Committee

Report received.

On motion of Mr. Richardson the bill above reported was taken up, read 1st time, Constitutional rule suspended, and read 2nd time.

Mr. Potter offered the following amendment, to wit: "Strike out the word 'impressment' wherever it may occur and insert 'call into'."

Mr. Flewellen offered the following joint resolution as a substitute, to wit: WHEREAS to repel the invasion of the soil of Texas and secure our homes and property from the depredation of the abolition army, an order was issued by Major General Magruder commanding the department for the impressment of one-half of the male slaves between the ages of 18 and 50 years, and WHEREAS it is the duty of the Legislature to take action thereon, therefore, **Be it resolved by the Legislature of the State of Texas**, That we heartily give our sanction and approval of impressment of all male slaves between the ages of 18 and 50 years for the construction of fortifications and other works of defense and that said policy ought to be vigorously executed by the military authorities whenever in the opinion of the major general commanding the condition and circumstances of the country require it.

Resolved, That the Governor transmit a copy of this joint resolution to Major General J. Bankhead Magruder with the assurance of the concurrence of this Legislature in his policy of defence of the State of Texas, as a substitute for the bill and amendment.

Mr. Parker moved to lay the bill and substitute and amendment on the table. Motion lost.

Mr. Buckley (Mr. Flewellen in the Chair) moved to postpone the further consideration of the bill, amendment, and substitute till 3 P.M. tomorrow and to make it the special order for that hour. Carried.

Mr. Magill introduced a bill to be entitled an Act of-

fering rewards for Indian scalps, and making appropriation therefor. Read 1st time and referred to the Committee on Indian Affairs.

Mr. Buckley (Mr. Flewellen in the Chair) offered the following resolution, to wit: **Resolved by the House of Representatives of the Ninth Legislature of the State of Texas,** That the Honorable J. T. Smith, a member of this body, be not granted leave of absence before the adjournment of the Legislature *sine die*, because of the absence of so many members in the public service. Read and adopted.

ORDER OF THE DAY

The bill to be entitled an Act to provide for the support of the families of Texas soldiers was taken up for consideration.

Mr. Cone offered the following amendment, to wit: "provided that nothing in this section shall be considered into any denial of the rights the citizens have under the Bill of Rights to secure in their presence for all unreasonable seizures or searches." Adopted.

Mr. Cone then offered the following amendment, to wit: "and further provided that no person's property shall be taken or applied for any use whatever without adequate compensation being made."

Mr. Cone offered the following amendment, to wit: "provided that no person's property shall be taken or applied for any use whatever without adequate compensation being made."

Mr. Shelton moved to lay it on the table and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Daugherty, Foote, Goodnight, Hale, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Hooker, Magill, Mathews, McCoy, McKie, Moores, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Shelton, Slaughter and Williams—37.

NAYS—Messrs. Speaker, Buckholts, Clements, Cone, Dillahunt, Flewellen, Flint, Ford, Goodrich, Hall, Hill, Holland of Panola, Junker, Mather, Marshall, Maverick, McNeill, Palmer, Potter, Reid of Victoria, Richardson, Rip-petoe, Simpson, Smith, Staehely, Taylor, Thurmond, Todd,

Townes, Wade, Walworth, Way, Werbiskie, and Willis—35 [34]. Motion carried, amendment laid on the table.

Mr. Cone then offered the following amendment, to wit: "Provided further that as it has been the received opinion of the House that every man should construe the Constitution for himself, that this section shall be inoperative so far as all citizens are concerned who believe that under the bill of rights no power can be delegated to any to exercise the right of search, unless some officer [offense?] has been committed contrary to the law of the land.

Mr. Shelton moved to lay it on the table and the ayes and nays being called for, Mr. Cone moved a call of the House which was sustained by the following vote, to wit:

YEAS—Messrs. Speaker, Buckholts, Costley, Cone, Dillahunt, Ewing, Flewellen, Flint, Ford, Goodrich, Hale, Hill, Junker, Mather, Marshall, and McNeill—16.

NAYS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Clements, Daugherty, Foote, Goodnight, Hall, Hardeman, Hardin, Harwell, Hays, Holland of Grimes, Holland of Panola, Hooker, Magill, Mathews, Maverick, McCoy, McKie, Moores, Neal, and O'Quinn—30. In taking the above vote the Speaker as soon as fifteen voted in favor of the call arrested the taking of the vote and ordered the call. On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

The Senate bill entitled an Act to authorize judgments to be rendered requiring property levied upon by execution or sale under deeds of trust or mortgages to bring nine-tenths of its value in certain cases, which was made the special order for this hour, was taken up.

Mr. Camp offered the following amendment, to wit: At the end of the 6th section add "provided that nothing in the act shall be so construed as repealing an act entitled an Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, approved December 7, 1861, but the same shall remain in full force and effect

notwithstanding the passage of the act, which was adopted.

Mr. Blanch offered the following amendment, to wit: "Strike out in Section 1 the last two lines 'nine-tenths of the appraised value' and insert 'its appraised value'."

Mr. Thurmond moved the previous question to wit: (the passage of the bill) which being seconded the bill was put upon its third reading upon which the ayes and nays were called and taken as follows, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Bush, Camp, Charlton, Clements, Costley, Cone, Dillahunt, Daugherty, Foote, Goodnight, Hale, Hardeman, Hardin, Harwell, Holland of Grimes, Holland of Panola, Hays, Hooker, Junker, Magill, Mather, Mathews, McCoy, McKie, McNeill, Neal, O'Quinn, Palmer, Parker, Perry, Price, Rains, Randolph, Reid of Victoria, Rhea, Rippetoe, Roberts, Shelton, Slaughter, Taylor, Thurmond, Todd, Townes, Way, Wade, and Williams—52.

NAYS—Messrs. Blanch, Ewing, Flint, Goodrich, Hill, Maverick, Potter, Richardson, Staehely, Werbiskie, and Willis—10 [11]. Bill passed to its 3rd reading. Constitutional rule suspended. Bill read 3rd time and passed.

On motion the House adjourned to 9 A.M. tomorrow.

House of Representatives of the
State of Texas, February 27, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read, amended, and adopted.

Mr. Flint for the special committee to whom was referred the memorial of citizens of Anderson County made the following report, to wit:

To the Speaker of the House of Representatives:

The Special Committee to whom was referred the memorial of sundry citizens of Anderson County praying that James Majors [?], Assessor and Collector, may be authorized by special law to pay there \$327 into the treasury in the currency in lieu of the specie due of said assessor and collector in the tax of 1861; beg leave to report that they have had the subject under consideration and are of the opinion that the relief sought ought not to be granted, that to pass the law prayed for would be establishing a dangerous precedent. They therefore ask to be discharged from a further consideration of the subject.

John F. Flint,
for the Majority of the Committee

Report received.

Mr. Staehely, Chairman of the Committee on Enrolled Bills, made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, viz.,

A bill to be entitled an Act to suspend all statutes of limitation on civil rights of action of every kind, whether real or personal, until one year after the close of the war between the United States and the Confederate States.

A bill to be entitled an Act for the relief of parties holding lands under Daniel Monroe.

Also a joint resolution in relation to the indebtedness of the Confederate States, and find the same correctly enrolled, properly signed, and have presented the same this day to the Governor for his approval and signature.

J. A. Staehely, Chairman of Enrolled Bills

On motion of Mr. Potter the bill entitled an Act to further define the offense of exciting insurrections or insubordination in slaves was taken up. Bill read 2nd time. Substitute adopted.

Mr. Potter offered the following amendment, to wit: (to come in after the caption and before the enacting clause) "**WHEREAS** in the prosecution of the unholy war now being waged by the United States against the Confederate States and the people thereof, our enemy are seeking to bring upon us a servile war by arming our slaves and placing them in the ranks of their armies, as well as otherwise through the action of their Government and the commissioned officers of their armies inciting insurrections and insubordination, therefore" which was adopted and bill ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

Mr. Roberts introduced a bill to be entitled an Act to relieve all persons over the age of fifty years from payment of the Poll Tax. Read 1st time.

A message from the Senate was received informing the House that the Senate had adopted a resolution enquiring into the propriety of extending State aid to an establishment in Anderson County for the manufacture of iron, and had raised a committee of two for the purpose and asking

the House to raise a like committee on the part of the House. House concurred, and the Speaker appointed the following a committee for the House, to wit: Messrs. Price and Bethel.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to amend the Penal Code, etc., and a bill to be entitled an Act to amend an act entitled an Act to amend an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856, approved February 15, 1858, and find the same correctly engrossed.

D. Willis,

for the Committee

Report received.

On motion of Mr. Richardson the bill to incorporate the Houston Mutual Aid Association was taken up, read 2nd time, and ordered to be engrossed. Constitutional rule was suspended. Bill read 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Bethel, Broadbuss, Bush, Buckholts, Camp, Charlton, Clements, Costley, Cone, Dillahunt, Ewing, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Harwell, Hays, Holland of Panola, Hooker, Junker, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, and Willis—61.

NAYS—0. Bill passed.

On motion of Mr. Broadbuss the bill to be entitled an Act to prohibit the distillation of corn or other grain into alcohol or spiritous liquors in the State of Texas during the present war, was taken up.

Mr. Flint offered the following amendment to come in at the end of the 3rd section, to wit: "and if any person shall import or introduce any spiritous or intoxicating liquors of any kind whatever from any other state of the Confederate States or territories thereof, or from any foreign country into this state, such person shall be deemed

guilty of a misdemeanor, and for every gallon of such liquors so imported or introduced he shall be fined in the sum of \$500 and imprisoned in the county jail for sixty days for every gallon so imported or introduced, one half of the fine to go to the informer and the balance to be paid into the county treasury when the case is tried to be added to the jury fund, upon the adoption of which the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Flint, Hardeman, Harwell, Junker, Moores, Perry, Randolph, and Reid of Victoria, O'Quinn—9.

NAYS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Costley, Cone, Dillahunt, Ewing, Flewellen, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hays, Hall, Hill, Holland of Panola, Hooker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Neal, Palmer, Parker, Potter, Price, Raines, Rhea, Rippetoe, Roberts, and Shelton (with the following explanation, to wit: "I believe the adoption of the amendment will defeat the bill; I therefore vote against it."), Simpson, Smith, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, and Willis—59 [58]. Amendment lost.

Mr. Hardeman offered the following amendment, to wit: "that this act shall not be construed as to prevent a person distilling grain of his own production, with his own machine for distilling, for his own use, and not for sale."

Mr. Shelton moved to lay Mr. Hardeman's amendment on the table. Carried.

Mr. Thurmond offered the following amendment, to wit: "Amend by striking out all but its caption." Lost.

Mr. Williams moved the previous question, the passage of the bill, which being seconded was carried. Bill read 3rd time and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Alford of Trinity, Bagby, Beall, Bethel, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Costley, Dillahunt, Daugherty, Flewellen, Flint, Foote, Goodnight, Hale, Hardin, Harwell, Hall, Holland of Grimes, Holland of Panola, Hooker, Junker, Mather, Mathews, McCoy, McKie, Moores, Neal, O'Quinn, Parker, Potter, Price, Raines, Randolph, Reid of Victoria, Rippetoe,

Roberts, Shelton, Slaughter, Smith, Taylor, Todd, Townes, Wade, Walworth, Werbiskie, Williams, and Willis—52 [50].

NAYS—Messrs. Speaker (with the following explanation, to wit: "I believe the bill will not accomplish the object it proposes, and I believe its Constitutionality at least very doubtful."), Ewing, Ford, Hill, Marshall, Maverick, McNeill (with the following explanation, to wit: "In order that I may be placed right before my constituency I enter this protest, believing the Constitution forbids my interference with the occupation of individuals which the Constitution and states' rights guarantee to them."), Palmer, Perry, Rhea, Staehely, Way (with the following explanation, to wit: "I believe the bill will not accomplish the object it proposes, and I believe its Constitutionality at least very doubtful"), and Thurmond (with the following explanation, to wit: I vote against the bill because I believe the bill to be unconstitutional)—13. Bill passed.

On motion of Mr. Ford the joint resolution in relation to the Rio Grande trade was taken up, read 2nd time. Mr. Maverick moved to amend by striking out the words "and of the Constitutional powers of Congress." Carried.

Mr. Williams offered the following substitute for the resolution as amended, to wit: **Resolved by the Legislature of the State of Texas**, That the cotton trade between the Confederate States and Mexico ought to be controlled and regulated by the Confederate Congress and be either confined exclusively to transactions of the State and Confederacy or else thrown open to the entire population of the Confederate States under regulations of Congress and that Congress be requested to adopt such rates as will prevent the present enormous speculations carried on by a portion of the people and Mexico.

"Resolved, That the Governor transmit a copy hereof to our Senators and Representatives in Congress with the request that the attention of that body be called at once to this subject.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Quorum present.

The bill entitled an Act to authorize the impressment for military purposes of a certain portion of the male slaves in the State of Texas, made the special order for this hour was taken up. Bill read 2nd time. Substitute for bill

adopted and ordered to be engrossed. Constitutional rule suspended, resolution read 3rd time and passed.

The special order being disposed of, the joint resolution in reference to trade on the Rio Grande and the extending of its benefits to the people of the whole state, was taken up and the question recurring on the adoption of Mr. Williams amendment was put. Amendment lost, and resolution ordered to be engrossed. Constitutional rule was suspended, resolution read 3rd time and passed.

Mr. Todd introduced a bill to be entitled an Act to incorporate the Texas Iron Manufacturing Company. Read 1st time. On motion of Mr. Flewellen the Constitutional rule was suspended. Bill read 2nd time and ordered to be engrossed. Constitutional rule further suspended, bill read third time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Charlton, Clements, Cocke, Costley, Cone, Dillahunty, Daugherty, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Grimes, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Rains, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Simpson, Slaughter, Staehely, Taylor, Thurmond, Todd, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—60 [73].

Mr. Thurmond offered the following resolution, to wit: WHEREAS a bill entitled an Act to amend the second section of an act entitled an Act to amend the second section of an act entitled an Act to perfect the organization of the State Troops and place them on a war footing, was a number of days offered to this House, read and referred to the Committee on Military Affairs, and WHEREAS the Chairman of that Committee having failed to report on said bill, it is resolved by this body that he be and he is hereby requested to report on said bill at as early a period as practicable.

Mr. Shelton moved to lay the resolution on the table. Carried. Resolution laid on the table.

ORDERS OF THE DAY

The bill entitled an Act to provide for the relief of the

families of Texas soldiers was taken up and the question recurring on the adoption of the following amendment offered by Mr. Cone, pending the consideration of which the House adjourned at noon on yesterday, to wit: Provided further that as it has been the received opinion of this House that every man should construe the Constitution for himself, that this section shall be inoperative so far as all citizens are concerned, who believe that under the Bill of Rights no power can be delegated to any man to exercise the right of search, unless some offence has been committed contrary to the law of the land.

Cone

Tabled.

Mr. Shelton moved to lay the amendment on the table. Motion carried and amendment laid on the table.

The question then recurring on the adoption of the substitute offered by Mr. Broaddus for Mr. Blanch's amendment as amended and the ayes and nays being called for, the following vote was taken, to wit:

YEAS—Messrs. Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Camp, Charlton, Daugherty, Foote, Goodnight, Hale, Hardin, Harwell, Hays, Hooker, Magill, Mathews, McCoy, McKie, Moores, Neal, O'Quinn, Parker, Perry, Price, Rains, Randolph, Rhea, Roberts, Shelton, Slaughter, and Todd—35.

NAYS—Messrs. Speaker, Buckholts, Clements (with the following explanation, to wit:

“Mr. Speaker:

“While I give my hearty support to the effect that this Legislature should make ample provisions to supply the wants of indigent families of Texas soldiers with the articles of necessity, and to accomplish this end, measures should be adopted that will not admit of a doubt. Yet I am of the opinion that it is inexpedient, being evil in its tendency, and unwise legislation to pass any law authorizing indiscriminate seizure of private property while there is property of the character in the hands of those willing to sell at the prices established by the county court. I believe it proper, however, to do so when supplies such as required in this bill are not on sale in the county.

S. E. Clements”)

Costley, Dillahunt, Evans, Ewing, Flewellen, Flint, Ford, Goodrich, Hall, Hill, Holland of Panola, Hunt, Junker,

Mather, Marshall, Maverick, McNeill, Palmer, Potter, Reid of Victoria, Richardson, Rippetote, Simpson, Smith, Staehely, Thurmond (with the following explanation, to wit: I vote against the substitute because I believe it to be unconstitutional, unnecessary, and would deprive my constituency of the benefits contemplated by the bill."), Townes, Wade, Walworth, Way, Werbiskie, and Willis—36 [35]. Amendments lost, and bill ordered to be engrossed. Constitutional rule was suspended, bill read 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Alford of Trinity, Bagby, Beall, Bethel, Blanch, Broadus, Bush, Buckholts, Camp, Charlton, Clement, Costley, Cone, Dillahunt, Daugherty, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hill, Hall, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Marshall, Maverick, McCoy, McKie, McNeill, O'Quinn, Palmer, Parker, Perry, Potter, Price, Randolph, Rhea, Richardson, Rippetoe, Simpson, Smith, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, and Willis—64 [63].

NAYS—Messrs. Hays, Mathews, Moores, Neal, Rains, Roberts, Shelton, Slaughter, and Todd—9.

Mr. Cone paired off with Mr. Williams.

Mr. Potter moved a reconsideration of the vote on the passage of the bill to be entitled an Act to provide for the families of Texas soldiers.

Mr. Potter moved to lay the motion to be reconsidered on the table. Carried.

The Senate bill to be entitled an Act to provide a specie fund to aid taxpayers in the payment of the Specie Tax was taken up and read 1st time.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

To the Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to incorporate the Houston Mutual Aid Association. Also a bill to be entitled an Act to define the offence of exciting insurrection, etc. and found the same correctly engrossed.

D. Willis,
for the Committee

Report received.

On motion the House adjourned to 10 A.M. tomorrow.

House of Representatives of

the State of Texas, February 28, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read.

Mr. Perry asked leave to change his vote on the passage of the bill to be entitled an Act to provide for the support of the families of Texan soldiers, which was given in the yeas to the nays. Leave granted, vote recorded accordingly.

Messrs. Rhea, Goodrich, and Broaddus asked leave to change their votes on the passage of the above recited bill from the yeas to the nays. Leave granted, votes recorded accordingly.

Mr. Hardeman asked leave to record his vote for the adoption of Mr. Broaddus' amendment to the above recited bill. Leave granted, vote recorded accordingly.

Mr. Williams asked leave to record his vote in favor of the adoption of Mr. Broaddus' amendment to the above recited bill. Leave granted and vote recorded accordingly.

A message from the Senate was received informing the House that the Senate had passed the following House bills, to wit:

A bill to be entitled an Act to authorize the establishment of ferries at the crossing of the Waco and Austin roads on the Lampasas and Leon rivers in the County of Bell without obtaining a license.

A bill to be entitled an Act to incorporate the Jackson Manufacturing Company.

A bill to be entitled an Act to attach Kendall County to the Fourth Judicial District and providing for the time of holding the courts in said district.

A bill to be entitled an Act making an appropriation to defray the contingent expenses of the extra session of the Ninth Legislature.

A bill to be entitled an Act to incorporate the Comal Manufacturing Company.

A bill to be entitled an Act to authorize the county courts of Smith and Walker counties to levy a special tax for war purposes and have the same collected immediately.

A bill to be entitled an Act to regulate the sale of beef cattle and to require butchers to keep and return lists of

the cattle slaughtered by them, and to prevent the sale of calves for slaughter without branding. With the following amendment, to wit: Add to the end of Section 1st, "provided in case there shall not be any such clerk ready to receive and record such bill of sale and affidavit, the same shall be filed and recorded in like manner in some adjoining county: and such record in the one county or the other shall be made without any unreasonable delay: but the recording in such adjoining county shall not dispense with the filing and recording in the county first indicated whenever there shall be therein a county clerk prepared for the business with whom the bill of sale and affidavit shall be filed for record without unreasonable delay, whereupon they shall be promptly recorded by said clerk.

A bill to be entitled an Act to incorporate the Dallas Male and Female College, with the following amendment, to wit: Strike out in the 3rd section of the bill all after the word "dollars."

A bill to be entitled an Act to authorize the County of Bastrop and other counties herein named to regulate the pay of the sheriff in certain cases, with the following amendment, to wit: insert after the word "Upshur," "Trinity, Cameron, and Starr," and strike out "Hunt" in 2nd line of Section 1st.

Also a Senate bill entitled an Act appropriating \$20,000 or so much thereof as may be necessary for recovering or repairing the roofs of the Capitol, the General Land Office, the old Land Office, and the Treasury Building.

Also that the Senate have concurred in the House's amendment to the Senate bill entitled an Act authorizing judgments to be rendered requiring property levied upon by execution or sale under deed of trust or mortgage to bring nine-tenths of its value in certain cases, and had rejected the following House bill, to wit: a bill to be entitled an Act declaring void any sales made by the public enemy who may occupy any portion of the territory of the State of Texas.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to provide for the support of

the families of Texan soldiers, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Shelton presented the petition of A. Foster praying relief, etc. Read and referred to the Committee on Finance.¹⁴

Mr. Foote for the minority of the select committee to whom was referred the bill to be entitled an Act to add the counties of Hunt and Fannin to the Eighth Judicial District, made the following report, to wit:

To C. W. Buckley, Speaker of the House of Representatives:

Being one of a select committee to whom was referred a House bill to be entitled an Act to add the counties of Hunt and Fannin to the Eighth Judicial District, have had the same under consideration and find that the Eighth Judicial District is only composed of seven counties, to wit: Davis, Bowie, Red River, Lamar, Hopkins, Titus, and Marion; whereas the Twentieth District from which it is proposed to take the counties of Hunt and Fannin is composed of fourteen counties, as follows: Hunt, Collin, Denton, Montague, Cook, Grayson, Clay, Archer, Throckmorton, Young, Jack, Fannin, Wise, and Wichita; that the length of time engaged in holding the courts in said districts is in the Eighth only thirteen weeks, whereas in the Twentieth District it is seventeen weeks, showing that the labor between the district judges of the two districts is most unequal; further, that the distance traveled over by the judge of the Twentieth Judicial District is twice or

¹⁴The memorial of A. Foster is as follows:

Memorial of A. Foster

Texas Hill County February 4th AD 1863.

Pines H. Shelton Esqr.

Dear Sir after my respects to you etc. I fully intended to of seen you before you left for Austin but owing to the condition of my family I could not as I am satisfied that there will be acts passed for the relief of Accessors and Collectors who have Received this Payne counterfeit money and as I am one of the unfortunate ones I will you would try and have me Relieved of the States part the County Court is willing to Relieve me of the Countys part I received \$64000 of the Payne money if you will make the effort I will be much oblige yours with Respects

A. Foster

if it is necessary to get a petition pleas inform me and I will send you one forth with

as ever yours truly
A Foster

three times as great as that of the Eighth; and further, that for causes known to which it is unnecessary to refer, the counties of Hunt and Fannin were taken from the Eighth and added to the Twentieth to which they were annexed already had twelve; that if the counties of Hunt and Fannin were reannexed to the Eighth Judicial District the said district would consist of nine counties only and the Twentieth of twelve; for which reasons as above shown, I would ask that the report of the majority be reversed and that the bill do pass.

G. A. Foote,
for the minority

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:
To the Speaker of the House of Representatives:

The Committee on the Penitentiary to which was referred a resolution without a caption has had the same under consideration, and being of the opinion that it would be inexpedient to legislate thereon at this time, has instructed me to report it back to the House and respectfully ask to be discharged from any further consideration of the subject.

A. Perry, Chairman

Report received.

The undersigned majority of the select committee to whom was referred a bill to be entitled an Act to add the counties of Hunt and Fannin to the Eighth Judicial District, made the following report, to wit:

To the Speaker of the House of Representatives:

The select committee to whom was referred a bill to be entitled an Act to add the counties of Hunt and Fannin to the Eighth Judicial District, have had the same under consideration, and find that in the year 1861, said counties were by an act of the Legislature for cause shown struck off of the Eighth and added to the Twentieth District, and as the labors of the judge of the Eighth Judicial District as it is now organized are as great as ought to be required of him, a majority of the Committee see no reason to change said Act. We therefore return said bill to the House and recommend that it do not pass.

Henry Dillahunt
S. Clements
George H. Bagby

J. D. Todd

J. W. Marshall

Report received.

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

Sir, the Committee on the Penitentiary to whom was referred a resolution concerning the surplus goods at the Penitentiary, have had the same under consideration, and have instructed me to report that they are of the opinion that it would be inexpedient to legislate on the subject at this time, that the Resolution be returned back to the House, and respectfully ask that the Committee be discharged from further consideration of the subject.

A. Perry, Chairman

Also a report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

Sir, the Committee on the Penitentiary to which was referred a bill to regulate the distribution of articles manufactured at the Penitentiary have had the same under consideration, and believing that they have not at this time at command the necessary information to direct them safely on the subject alluded to in said bill, and believing that it would be better to await the report of the visiting committee before any legislation should be had thereon, have instructed me to report the bill back to the House, being of the opinion that it would be expedient at this time to legislate thereon, and respectfully ask to be discharged from any further consideration of the subject.

A. Perry, Chairman

Mr. Perry, Chairman of the Committee on the Penitentiary, made the following report, to wit:

To the Honorable Speaker of the House of Representatives:

Sir, the Committee on the Penitentiary to which was referred a bill entitled an Act to punish persons obtaining goods under false pretenses have had the same under consideration, and believing that such a law would have a salutary effect in preventing fraud, and thereby promoting justice and equality in the distribution of the goods manufactured at the Penitentiary. The Committee had therefore unanimously instructed me to report the bill back

without amendment and recommend its passage.

A. Perry, Chairman

Mr. McCoy, one of the Committee on Agricultural Affairs, made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

Your Committee on Agricultural Affairs to whom was referred a petition praying the repeal of an act entitled an Act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom, approved April 8, 1861, have considered the same and are of the opinion that the prayers of the petitioners should be granted. They have therefore instructed me to report the accompanying bill and recommend its passage.

Jno. C. McCoy

for the Committee

Mr. Hays, Chairman of the Committee on Confederate Relations, made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Confederate Relations to whom was referred a resolution of inquiry as to the nature, condition, restriction, and control of the trade now carried on between Texas and Mexico, have considered the same and are of th opinion that any action of the body will fail to control the action of the military authorities and therefore beg to be discharged from any further consideration of the resolution.

F. M. Hays, Chairman

Report received.

Mr. Potter (leave being granted) offered the following joint resolution, to wit:

Joint resolution in relation to the public printing

Section 1st. **Be it resolved by the Legislature of the State of Texas**, That during the continuance of the war between the Confederate States and the United States, the Secretary of State, Comptroller, and Treasurer, or a majority of them, are required to procure to be done all such printing as may be necessary for the use of the State under existing laws, and in so doing they shall be governed as nearly as may be by the existing laws regulating the public printing; but may depart therefrom as to prices to be paid and other matters so far as may be necessary in

order to accomplish said object.

Section 2nd. This joint resolution shall be in force from and after its passage. Read 1st time.

On motion of Mr. Potter, Constitutional rule was suspended. Resolution read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Read a 3rd time and passed.

On motion of Mr. Williams, Mr. Holland of Grimes was granted leave of absence for the remainder of the session.

On request, Mr. Randolph was granted leave of absence from the House till Monday morning, 2nd March next.

A message from the Senate was received informing the House that the Senate had passed a substitute for the House Bill entitled an Act to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the public domain, approved February 11, 1858, approved January 1, 1862, and returning House bill.

On motion of Mr. Cone, the House proceeded to the orders of the day.

Mr. Cone then moved to take up (out of the regular order) the bill entitled an Act to regulate the rate of charge for transportation on railroads and to make it the special order for 3 P.M.

On motion of Mr. Roberts, the bill entitled an Act making appropriation for the mileage and **per diem** pay of the members and **per diem** pay of the officers of the extra session of the Ninth Legislature was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

On motion of Mr. Simpson the bill entitled an Act to repeal an act entitled an Act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom, approved April 8, 1861, was taken up, read 2nd time, and ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

On motion of Mr. Reid of Victoria the bill to be entitled an Act to punish persons for obtaining goods under false pretenses, was taken up. Read 2nd time and ordered to be engrossed. Mr. Potter moved to amend by striking out the 2nd section. Adopted. Constitutional rule suspended. Bill read 3rd time as amended and passed.

On motion of Mr. Goodnight, the Senate Bill to be en-

titled an Act to provide a specie fund to aid taxpayers in the payment of the Specie Tax was taken up. Read 2nd time.

Mr. Goodnight offered a substitute for the bill, which was read and adopted.

Mr. Buckley (Mr. Shelton in the Chair) moved to strike out "125,000" and in lieu thereof insert "150,000." Motion carried. Constitutional rule was then suspended. Bill read 3rd time and passed.

On motion of Mr. Cone the vote making the bill to be entitled an Act to regulate the rate of charge for transportation on railroads was reconsidered and the bill made the special order for 12 P.M. on Monday next.

Mr. Broadus for the Special Committee on the Military Board made the following report, to wit: That they have had the same under consideration and made the best investigations which the length of time, and the varied, large transactions of the Board would admit of. The Committee find that soon after the creation of the Board, Mr. G. H. Giddings was employed as its agent to make negotiations with a view to the obtaining funds with which the Board could commence operations. In these negotiations Mr. Giddings was unsuccessful.

The Board then employed Mr. J. T. D. Wilson to make purchases of arms, munitions of war, blankets, clothing, shoes, leather, medicines, etc. The Board furnished Mr. Wilson with nine thousand five hundred dollars in specie and with other funds to be used in the purchases to be made by him. The specie was used in the purchase of such articles as are above named, and the articles have been received by the Board. The other funds could not be used. The specie furnished to Mr. Wilson was a part of the fund appropriated at the last session of the Legislature for the transportation of clothing and other supplies to our soldiers in Virginia in the Confederate Army.

The Board employed Mr. J. W. Moore as its agent to sell cotton and make purchases for the board. Mr. Moore was to receive as compensation for such services fifteen per cent on the amount of cotton sold by him and fifteen per cent on the amount of goods purchased by him. The Board was to be at no charge on account of Mr. Moore's personal expenses. This arrangement with Mr. Moore commenced on the 29th of April last and up to about the

1st of January in this year the amount passing through Mr. Moore's hands is about two hundred thousand dollars and his compensation would be some forty or fifty thousand dollars.

The Board have used many of the State Boards and the Confederate money placed at their disposal, in the purchase of cotton of our planters, which purchases were made at fair rates, and amount of three thousand six hundred and fifty nine bales of cotton as is shown by a tabular statement accompanying this report "A."¹⁵

To enable the Board to effect the purchase of cotton, many of our citizens when called upon by the Board, acted as their agents in purchasing cotton, and in almost every instance without compensation. This cotton has enabled the Board to make large purchases of arms, munitions of war, clothing, blankets, shoes, leather, medicines, cotton and wool cards etc., many of which articles have been received and others are on the route. The Board have sold to the Confederate government in clothing, blankets, shoes, etc. etc. to the amount of ninety six thousand, nine hundred and forty one dollars and ninety cents and in some instances have made a profit of over two hundred per cent and in all the sales made to that government made more than sufficient profit to save the State from any loss.

Invoices and accounts of goods purchased, quantity, and price paid accompany this report and are made part hereof.

The Board have erected a Foundry in the City of Austin for the manufacture of cannon, and procured a large quantity of materials out of which to manufacture such guns, and although no guns of that character have yet been made, the Committee hope and believe that in a short time the Foundry will be able to turn out a considerable number of cannon.

Much difficulty has been encountered by the Board in procuring suitable labor and materials for the erection of the Foundry and the manufacture of cannon; and a large amount of means have been necessarily used in the enterprise:

The Board have also erected and have in successful operation a factory for the manufacture of gun caps and are now turning out a large quantity of these much needed

¹⁵See Appendix II for reports on cotton and manufactures.

articles of good quality, and the quantity so made is being constantly increased. The Board have also in successful operation a factory for the manufacture of cartridges.

The Board purchased and fitted up the celebrated "Bayou City" steamer which proved so useful in the glorious attack made on the hirelings of Abraham the first, at Galveston on the 1st of last January, which steamer the Board have since sold to the Confederate Government at an increased price over cost.

The Board have also had obstructions placed in Galveston Bay and Buffalo Bayou. The Board have contracted with various companies and individuals in this state for the manufacture of small arms, rifles, pistols, etc. some of which have been received and others in progress of manufacture, a more full and particular account of all which may be seen by reference to a report made by the Board to the House of Representatives and which is herewith returned to the House marked "B."¹⁶

Of the large amount which has passed through the hands of the Board, some two thirds or three fourths has been expended in the manufacture and purchase of arms, munitions of war, the purchase of the Bayou City steamer, the purchase of the two Nichols guns, the placing obstructions in Galveston Bay and Buffalo Bayou etc. The balance has been used in purchasing such articles as are of prime necessity.

The following is a statement of the transactions of the Board in State Bonds of one thousand dollars each:

One thousand of these bonds were placed at the disposal of the Board. Two hundred and ninety bonds were used in the purchase of cotton. One hundred and eighty two sold for Confederate notes and the amount placed in the State Treasury. Two hundred and ninety four funded under the law. Forty four of said Bonds are retained to pay for cotton purchased but not yet paid for. Forty seven of said Bonds retained to pay for goods and other expenses contracted, but not yet paid for which leaves on hand one hundred and forty three State bonds.

The Committee have no hesitation in saying, that while the Military Board may have committed errors, such as all men are liable to yet upon the whole, looking to the vast amount of labor they had to perform and the large

¹⁶See Appendix II.

amount and varied character of the transactions in which they have been engaged, and the difficulties which have surrounded them, the Board have done quite as well as could possibly be expected of them. They certainly have been successful in a vastly better situation for defense against its enemies than it was at the time of the creation of the Board. And the Committee feel safe in saying that patriotism, industry, and honesty have marked all the proceedings of the Board.

Respectfully submitted

D. C. Dickson

Chairman on part of the Senate

J. K. Holland

Chairman on part of the House of Representatives

Which was received and on motion was made the special order for 11 A.M. on Monday next.

On the vote of the adoption of the amendments to the above passed bill [for relief of families of Texas soldiers] and gave the following reason for opposing it, to wit:

I vote **no** because this section as proposed to be amended, though supported by those as conscientious as myself, I believe to be in direct violation of the rights secured to the citizen by the Bill of Rights, and which are declared to be excepted out of the general powers of Government and forever to remain inviolate. Under this section the people cannot be secure in their persons, their houses, or their possessions, for authority is delegated by it to officers who may forcibly enter the sacred precincts of the domicil and seize property belonging to a citizen who has not been guilty of any offence against the law of the land. It delegates authority to the county court to take the property of the citizen at home, or the soldier in the army, upon its arbitrary decision that he has a surplus and to dispose of it without adequate compensation being made, as required under the express terms of the Constitution. I vote **no** for the further reason that this species of legislation, if inaugurated, opens the door to strained constructions of the Constitution, or total disregard thereof, and is a step towards the fatal policy of the United States Government in disregarding the strict letter of the law, which caused the present dreadful war, and has sunk the Federal States into anarchy and demoralization.

I vote **no** for the further reason that to secure the

support of the soldiers families, no such law as is contained in the Fifth Section as proposed to be amended is necessary. We should not fail to do cheerfully because there are a few who are not patriotic, nor should we be willing for the purpose of reaching a few bad men, to pass a general law by which it will be made to appear that Texas had to into the support of the suffering families, of her heroes and defenders.

Horace Cone

A. S. Richardson, John Buckholts, Samuel Mather, L. P. Simpson, and M. M. Potter adopted the same reasons assigned by Mr. Cone and have then spread upon the Journal as explanatory of their votes on the same question.

Also Messrs. Isaiah Junker, F. M. Taylor, J. A. Staehely, Wm. M. Ewing, A. H. Rippetoe, J. B. Reid of Victoria, D. L. McNeill, C. B. Way, P. A. Thurmond, Thos. E. Hill, Jno. T. Flint, J. M. Costley, Jas. Walworth, Wm. H. H. Wade, S. Holland, and R. T. Flewellen adopted Mr. Cone's reasons for his vote upon the same question.

On motion the House adjourned to 9 A.M. Monday next.

House of Representatives of the
State of Texas, March 2, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to incorporate the Texas Iron Company; a bill to be entitled an Act to punish persons obtaining goods under false pretenses from the Penitentiary of the State; a bill to be entitled an Act to repeal an Act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom, approved April 8, 1861; a bill to be entitled an Act making appropriation for the mileage and **per diem** pay of the members and the **per diem** pay of the officers of the extra session of the Ninth Legislature; a joint resolution in relation to the public printing, a joint resolution in reference to trade on the Rio Grande and extending its benefits to the people of the whole state; and a joint resolution in reference to the impressment of

male slaves for military use, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

On motion Mr. Alford of Trinity was granted leave of absence for the remainder of the session.

Mr. McCoy presented the memorial of S. F. Mains praying for military protection and relief. Read 1st time and referred to the Committee on Military Affairs.

Mr. Reid of Victoria offered the following resolution, to wit: **Resolved**, That the members of the Joint Committee on the Military Board on the part of the House be instructed to report an account current between said Board and their agents; also the disposition made of the proceeds of the funds disbursed by said Board for books and papers and to employ a clerk to assist them if necessary.

On motion of Mr. Shelton the resolution was laid on the table.

A message from the Senate was received informing the House that the Senate had passed a bill to be entitled an Act to provide necessary assistance for families and other dependents of officers and soldiers.

Also the House resolution in relation to adjournment, with the following amendment, to wit: Amend "on Saturday morning the 7th of March at 8 o'clock A.M." in lieu of "Monday 2nd March."

Mr. Cone, Chairman of the Committee on Finance, made the following report, to wit:
Mr. Speaker:

The Committee on Finance to whom was referred the petition of Robert Miller, Assessor and Collector of State and County Taxes for the County of Bell, together with the report made by the Committee on the 17th February last, have deemed it prudent to change the views which contained in that report and to advise that the relief prayed for be not granted. In the case alluded to there were many circumstances which led the Committee at first to believe relief should be granted, but the precedent that would be established would undoubtedly be a bad one, and if the prayer of this petition was favorably considered the State would soon have to redeem a large amount of counterfeit money. Already have petitions from several portions of

the State been refused to the Finance Committee, praying that the Legislature would relieve officers who have taken in payment for public dues counterfeit treasury notes, and if the door is once opened, there is not telling where the relief sought for will stop. I am therefore instructed to report back the petition of Robert Miller, W. W. Dixon, and A. Foster, and the memorial of H. Peters, and beg to be discharged from the further consideration of the subject.

H. Cone, Chairman

Report received.

Mr. Alford of Trinity, Chairman of the Select Committee to whom was referred the petition of citizens of Anderson County, made the following minority report, to wit: Honorable C. W. Buckley, Speaker of the House of Representatives:

The undersigned Chairman of the select committee to whom was referred the petition of citizens of Anderson County for the relief of James O. Majors, Assessor and Collector of said county, beg leave to submit the following minority report.

The petition sets forth the fact that the Assessor and Collector had received the sum of \$327 in State and Confederate treasury notes from various citizens of Anderson County in payment of this Specie Tax for 1861, believing that the State Treasury would receive the same from him; that the residue of the Specie Tax, due from citizens of said county, amounting to \$1,280, had been collected and paid over by him to the State Treasurer, a large proportion of the amount due by said assessor which he now asks the Legislature to permit him to pay into the State Treasury in the kind of funds which he received was received by him from soldiers now in the service of the Confederate States. In as much as the Legislature has passed a bill providing specie to pay the interest on the outstanding bonds of the State and to create a sinking fund for their redemption, thereby doing away with the necessity for the collection of the Specie Tax for that purpose from the citizens, I believe that the relief prayed for should be granted, and especially when we take into consideration the fact that it is almost impossible to obtain the specie necessary to liquidate this claim that the State will not need the specie and that it will be a ruinous hardship to compel the Assessor to pay the amount into the State

Treasury in specie when it is not to be had in that section of the country. I therefore ask that the majority report be not adopted, and that the accompanying bill be passed, to wit: a bill to be entitled an Act to authorize the various assessors and collectors in the State to pay into the State Treasury Confederate or State Treasury notes in lieu of specie in certain cases.

George F. Alford

Report received. Bill read first time.

A message from the Senate was received informing the House that the Senate had passed the House Bill entitled an Act making appropriation for the mileage and **per diem** pay of the members and **per diem** pay of the officers of the extra session of the Ninth Legislature.

Mr. Magill offered a joint resolution in relation to frontier defence.

Read 1st time. Constitutional rule suspended. Read 2nd time and referred to the Committee on Military Affairs.

Mr. Buckholts offered the following resolution, to wit: **Resolved**, That it is the duty of the Confederate Government to protect the frontier of the State of Texas from the Indians and it is the duty of the Governor to call upon the Confederate authority so to do.

Referred to the Committee on Military Affairs.

A message was received from the Senate informing the House that the Senate had adopted the House's substitute to the Senate's bill entitled an Act to provide a specie fund to aid taxpayers in the payment of the Specie Tax, and passed it.

On motion of Mr. Flewellen the House Resolution in relation to the adjournment of this legislature reported back from the Senate with the following amendment, to wit: Amend by inserting "on Saturday the 7th of March at 8 A.M." Was taken up and the Senate's amendment agreed to.

On motion of Mr. Potter the following bills reported back from the Senate passed with amendments were taken up, to wit:

A bill entitled an Act to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding. Senate amendment concurred in.

A bill to be entitled an Act to authorize the county courts of Bastrop and other counties herein named to regulate the pay of the sheriff in certain cases. Senate's amendment concurred in.

Also a bill to be entitled an Act to incorporate the Dallas Male and Female College. Senate's amendment concurred in.

Also the House bill entitled an Act to repeal an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the public domain, approved February 11, 1858, approved January 1, 1862, and the Senate's substitute for the same. Substitute read 1st time and adopted. Constitutional rule suspended. Read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Read 3rd time and passed.

11 A.M.

The consideration of the special committee's report on the operation of the Military Board made special order for this hour was taken up.

On motion of Mr. Blanch the Committee was discharged and the report left on the table for further consideration.

12 P.M.

The bill to be entitled an Act to regulate the rate of charges for transportation on railroads made the special order for this hour, was taken up.

On motion of Mr. Roberts the minority report was laid on the table. Lost.

The minority report was taken up and read.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, no quorum present.

On motion the House adjourned to 9 1/2 A.M. tomorrow morning.

House of Representatives of the
State of Texas, March 3, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

Mr. Staehely introduced a bill to be entitled an Act to raise revenue by taxation on income, occupation, and property of all persons not citizens of the Confederate

States. Read 1st time and referred to the Committee on Finance.

Mr. McCoy introduced a joint resolution in relation to certain salines near Double Mountain. Read 1st time. Constitutional rule suspended. Resolution read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Resolution read 3rd time and passed.

On motion, Mr. Flint was excused from service on the Committee to visit the Penitentiary.

On motion Mr. Simpson was also excused from serving on the Committee to visit the State Penitentiary, whereupon the Speaker appointed Messrs. Hardin and Reid of Victoria on said Committee to visit the State Penitentiary in place of the above excused gentlemen.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a joint resolution in relation to salt salines near Double Mountain, and find the same correctly engrossed.

D. Willis, Chairman

Report received.

Mr. Cone, Chairman of the Committee on Finance, made the following report, to wit:

Committee Room, March 4, 1863

To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Finance in reporting today the change which they have thought proper to make in the tax bill deem it necessary to allude to the course which they have pursued since the commencement of the present session upon the various important subjects which have from time to time been brought before them for their action or consideration.

Every member of the Committee has been deeply impressed with the responsibility which rests upon him and as there were many subjects to which our attention was called by the message of his Excellency Governor Lubbock of a grave and important character, nothing was attempted until those subjects had received a careful and deliberate attention and had been fully discussed and canvassed at the early meetings of the Committee. The **Currency and**

High Prices was dwelt upon by Governor Lubbock with peculiar emphasis and at some length, and he alluded to the fact that the people would look to the Legislature with hope not unmingled with anxiety in regard to the measures which might be adopted, to enhance the value of the currency, and thereby reduce the enormous prices demanded for every thing bought and sold within the State. In a very few days after the session commenced the Committee had referred to them a large number of bills and resolutions, among which were many in relation to the currency and high prices and which we deeply deplore the existence of the fact that our State was in many places infested with the speculator and extortioner, yet the Committee did not believe that it was possible under the State and Confederate Constitution for the Legislature to cure the evils to which His Excellency had called attention, or to which our minds had more particularly been directed by the bills and resolutions to which allusion has been made. The question of currency is a delicate one, particularly at this moment, and while deprecating the conduct of those who willingly depreciate it and, sympathizing with the Governor in all he has said relative to such characters, we have deemed it by far the most prudent course to leave the currency in the hands of those who are the proper custodians of the subject. At the regular session of last year the Committee reported in favor of receiving the Confederate treasury notes for public dues, and thereby indicated its faith in the currency. At the present session, a bill has been passed by which the State had indicated her willingness to bear her proportionate share of the public debt, thereby giving what aid she legitimately can to the credit of the Government. To this extent the Finance Committee were willing to go, but beyond that they did not believe it safe to venture. Every attempt to benefit the currency which fails is an injury to that currency, and history teaches us that all such legislation as has been proposed upon the subject since we have been called together in extraordinary session, has failed to reduce the plethora or remedy the evil. Other countries have suffered just as we are suffering from an inflated currency, and the various remedies which have been proposed by bills and resolutions in this assembly have been tested long ago and found to be unavailing. The skillful surgeon when he finds all other means must fail,

resorts to the knife to remove that which is prostrating the system and affecting the general health, and if no other remedy can be found by which this currency evil can be reached we must willingly allow the sharp knife of taxation to be used as a means by which the cure may be permanently effected. Congress is the proper place for the peculiar subject to be treated, and the Finance Committee have therefore thought it expedient to discourage as far as possible any legislation upon the subject by the Legislature of the State of Texas. It may be true that many distinguished jurists and statesmen believe that the Confederate Congress has the right to make the treasury notes a legal tender, and it may be also true that now is the time for action, but the Committee have thought it best to refer back to the House without any action all resolutions referred to them having for their object any interference with Congress upon this subject. It is one upon which a great deal of thought has been expended by those who compose our Congress and to them it is better to leave it.

A bill was sometime since reported to the House from the Committee having for its object ample provision for the families of those in the service. That bill was believed to be so simple in its machinery and so just and equal in its intended operations as to preclude the idea of much discussion or any serious opposition. Its merits have, however, been fully discussed and the Committee regret that such a diversity of opinion characterized its reception. That the bill has not been reported back from the Senate where it may receive amendments and undergo changes which will alter to some extent its character, whatever may be its alternate fate, the Finance Committee believe the bill as it came from their hands to the best plan which has been suggested, and in providing for the families by the State the burden was made equal upon all. It was not intended that the county system should be abolished but left as it now stands, so that in case of necessity it might be resorted to, though it was hoped that a sufficient appropriation would be made by which the counties could be entirely relieved.

The subject of regulating prices by law was referred to the Committee some time since and reported upon adversely. In attempting to lodge authority in the county courts to seize and appraise where citizens might have a

surplus of the necessities or comforts of life, a majority of the Committee have thought much evil might arise and much injustice be done the citizen. Besides these reasons which led to the action of the Committee, a high sense of duty and a sacred regard for the Constitution induced them at once to refrain from all participation in this species of legislation, and while a small minority did not deem our Constitutional objections well founded, yet nearly all of the Committee have entertained but one opinion upon this subject, and believed it would lead to dangerous if not disastrous consequences.

The bill to relieve the citizens by procuring specie so that the Specie Tax may be paid and the credit of the State remain unimpaired, has been slightly amended since it came from the hands of the Committee and it is hoped the provisions of the bill are such as to obviate all further difficulty in relation to this subject.

The only change in the tax bill of last session which it has been deemed necessary or prudent to make at this time, is in raising the taxes from twenty-five to fifty cents on the one hundred dollars. Satisfied as we have been that no approximate estimate of the value of property could now be made, and feeling our utter inability to fix and adjust as in times of peace, the Committee have decided that nothing more should be done at the present session than simply to increase the taxes from one fourth of one half of one per cent, hoping thereby to meet the necessities of the State as they may arise. The next Legislature may think it necessary to revise entirely our tax laws, but it is not thought prudent for the present session to do more than has been indicated. The people of every portion of the state have met cheerfully the unusual demand which the exigencies of the war have made it necessary to enforce; and to support the widows and orphans or the indigent families of our soldiers to provide for the protection of the frontier and to keep in motion the wheels of our civil government, the citizens of Texas will still cheerfully respond to all the necessary demands made upon them. The duties which have devolved upon the Finance Committee have all been performed to the best of the ability of its members, and while those duties have been numerous and many matters have been considered by them, yet there has been with but one exception no difference in the views entertained

upon the various bills and resolutions submitted to them by this House. Sincerely hoping that all that has been done may rebound to the welfare of the State and the prosperity of the citizens, the Committee ask to be discharged from the further consideration of the various matters which have been before them.

Horace Cone, Chairman

Bill to be entitled an Act to amend an act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, and to amend an act entitled an Act to amend an act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, approved April 8, 1861, approved January 13, 1862.

Report received, and bill read 1st time.

Mr. Charlton moved to take up the above entitled bill just reported by the Finance Committee.

Mr. Roberts moved to lay Mr. Charlton's motion on the table. Motion to lay on the table lost.

Mr. Charlton's motion was then put and carried. Bill read 2nd time.

Mr. Roberts moved to postpone the further consideration of the bill till 11 A.M. tomorrow.

Mr. Charlton moved to lay Mr. Roberts' motion on the table. The ayes and nays being called for the following vote was taken, to wit:

YEAS—Alford of Tarrant, Bagby, Beall, Broaddus, Bush, Charlton, Clements, Cone, Dillahunt, Evans, Ewing, Flewellen, Flint, Ford, Goodnight, Goodrich, Hale, Harde-man, Harwell, Hill, Junker, Mather, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Perry, Potter, Richardson, Rippetoe, Shelton, Slaughter, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, and Verbiskie—41.

NAYS—Messrs. Bethel, Blanch, Buckholts, Camp, Costley, Hardin, Hays, Holland of Panola, Hooker, Hunt, Mathews, Neal, O'Quinn, Palmer, Parker, Price, Rains, Randolph, Reid of Victoria, Rhea, Roberts, Way, and Williams—23. Motion carried.

Mr. Flewellen offered the following amendment, to wit: Section 2nd. The 4th Section of an act recited in the above caption approved January 13, 1862, shall be amended so as to read as follows: There shall be assessed and collected of each person, firm, or public corporation having bills, notes, accounts, or other securities for money bearing in-

terest according to value or money, or paper currency circulating as money loaned at interest, buying or selling exchange, or buying or selling notes of hand, and on all money or paper currency circulating as money hoarded up or kept on hand, beyond the sum of \$200.00, a tax at the rate of fifty cents on each hundred dollars loaned, hoarded, or kept on hand, and on the amount of capital used for the purchasing of notes or exchange, and any person, firm, or public corporation having bills, notes, accounts, or other securities for money bearing interest, or money or paper currency circulated as money used in purchasing notes or exchange, or hoarded or kept on hand beyond the sum of \$200, who shall fail or refuse to give in the same for taxation, shall upon conviction before any court having competent jurisdiction forfeit ten per centum upon the amount of bills, notes, accounts or other securities for money bearing interest money or paper currency circulating as money thus loaned or kept on hand beyond \$200.00 or used in purchasing notes or exchange; and not given in for taxation to the use of the informant and of the State each one-half. That each and every person or firm engaged in the sale of goods, wares, and merchandise, vinous or spiritous liquors when sold in quantities of a quart or more, shall pay a tax of twenty-five cents on each \$100 value of such articles purchased for sale or received for sale as auctioneer by such person or firm, and it shall be the duty of such assessor and collector in the state, once in every three months or oftener, to call on every such person or firm so engaged in his county for an account of such purchase or consignments to be made under oath; and every person or firm when so called upon who shall fail or refuse to furnish such assessor or collector with an account of such purchase or consignment during the time for which the assessment is to be made, shall be liable to a penalty of \$50 for each failure to be recovered on information of such assessor or collector before any justice of the peace of the proper county by suit in the name of the state; and this specific tax levied shall exempt the goods, wares, and merchandise of such person or firm from the **ad valorem** levied by this act.

Mr. Williams offered the following amendment to Mr. Flewellen's amendment, to wit: "Provided that any person indebted may subtract the amount of his indebtedness from

the credits in his favor and be only required to pay taxes on the net amount due after said deduction." Amendment adopted.

Mr. Shelton offered the following amendment to Mr. Flewellen's amendment to wit: Strike in Second "twenty-five cents on merchandise, liquors, etc, and insert fifty cents." Adopted.

Mr. Townes offered the following substitute for Mr. Flewellen's amendment, to wit: That the fourth section of said act shall hereafter read as follows:

Section 4th. That the first section of said act, approved April 8, 1861, recited in the caption hereof, shall hereafter read as follows: There shall be assessed and collected of each person, firm, or public corporation having money or currency circulating as money loaned at interest, buying or selling exchange or buying or selling notes of hand and on all money or paper currency circulating as money hoarded or kept on hand beyond the sum of \$200, a tax at the rate of fifty cents on each hundred dollars loaned, hoarded, or kept on hand, and on the amount of capital used for the purchasing of notes or exchange; and any person, firm, or corporation having money or paper currency circulating as money, or hoarded, loaned at interest, or exchange, or hoarded, or kept on hand beyond the sum of \$200, who shall fail or refuse to give in the same for taxation, shall upon conviction before any court having competent jurisdiction, forfeit ten per centum upon the amount of money, or paper currency circulating as money, thus loaned or kept on hand, beyond \$200 or used in purchasing notes of exchange, and not given in for taxation, to the use of the informant and of the state each one-half. That each and every person or firm engaged in the sale of goods, wares, merchandise, vinous or spiritous liquors, when sold in quantities of a quart or more, shall pay a tax of fifty cents on each hundred dollar value of such articles purchased for sale, or received for sale as agent or auctioneer by such person or firm; and it shall be the duty of each assessor and collector in this State, once in every three months or oftener, to call upon such person or firm so occupied or engaged in his county for an account of such purchase or consignments to be made under oath; and every person or firm when so called upon who shall fail or refuse to furnish such assessor and collector with an ac-

count of such purchase or consignments to be made under oath; and every person or firm when so called upon who shall fail or refuse to furnish such assessor and collector with an account of such purchase or consignment during the term for which the assessment is to be made, shall be liable to a penalty of \$50 for each failure or neglect, to be recovered on information of the assessor and collector before any justice of the peace of the proper county, by a suit in the name of the State; and this specific tax levied shall exempt the goods, wares, and merchandise of such person or firm from the *ad valorem* tax levied by this act.

Mr. Flewellen moved to lay the substitute on the table.

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Broaddus, Buckholts, Camp, Charlton, Clements, Cone, Ewing, Flint, Foote, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Panola [?], Junker, Mather, Maverick, McNeill, Palmer, Parker, Potter, Price, Randolph, Rhea, Richardson, Staehely, Todd, Townes, Wade, Walworth, Way, Williams, and Willis—37 [38].

NAYS—Messrs. Bethel, Bush, Costley, Dillahunt, Evans, Flewellen, Ford, Goodnight, Goodrich, Hale, Holland of Panola [?], Hooker, Hunt, Magill, Mathews, McCoy, McKie, Moores, Neal, O'Quinn, Perry, Reid of Victoria, Rippetoe, Roberts, Shelton, Taylor, and Werbiskie—29 [27]. Motion lost and substitute adopted.

Motion to lay on the table carried.

Mr. Camp moved to amend by striking out the words "fifty cents" from the second section. Lost by the following vote, to wit:

YEAS: Messrs. Alford of Tarrant, Bagby, Bethel, Bush, Camp, Goodnight, Hardin, Hays, Holland of Panola, Hooker, Hunt, Magill, Mathews, McCoy, Neal, O'Quinn, Parker, Price, Rains, Randolph, Reid of Victoria, Rhea, Roberts, Slaughter, and Williams—25.

NAYS—Messrs. Speaker, Beall, Blanch, Broaddus, Buckholts, Charlton, Clements, Costley, Cone, Dillahunt, Evans, Ewing, Flewellen, Flint, Ford, Goodrich, Hale, Hardeman, Harwell, Hall, Hill, Junker, Mather, Marshall, Maverick, McKie, McNeill, Moores, Perry, Potter, Richardson, Rippetoe, Shelton, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, and Willis—42.

Mr. Flint offered the following amendment to Mr. Townes' substitute, to wit: After the word "personal" in

the 5th line of the 2nd clause of the 1st section, insert "including all cotton not in the hands of the producer."

Mr. Camp moved to lay the amendment on the table, and the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Bagby, Bethel, Blanch, Broaddus, Buckholts, Camp, Cone, Dillahunty, Evans, Ford, Hardin, Hall, Maverick, McKie, McNeill, Parker, Potter, Staehely, Townes, Wade, Walworth, Werbiskie, Williams, and Willis—24.

NAYS—Messrs. Speaker, Alford of Tarrant, Beall, Bush, Charlton, Clements, Ewing, Flewellen, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Harwell, Hays, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, McCoy, Moores, Neal, O'Quinn, Palmer, Perry, Price, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Taylor, Thurmond, and Way—41. Motion lost. On motion the House adourned to 3 P.M.

3 P.M.

House met pursuant to adournment. Roll called, quorum present.

Mr. Maverick offered the following amendment to Mr. Flint's amendment, to wit: after the word "cotton" insert "flour and other agricultural productions." Lost.

Mr. Thurmond offered the following amendment, to wit: Amend by adding "pork, lard, beef, sugar, and molasses."

Mr. Ewing moved the previous question which being seconded was put and carried.

Mr. Shelton moved to reconsider the vote ordering the previous question. Carried.

The question then recurring on the adoption of the amendment offered by Mr. Thurmond was put and the amendment lost.

Mr. Maverick offered the following amendment, to wit: After the word "producer" insert as follows: "and has left the hands of the producer for the space of twelve months."

On motion of Mr. Charlton the amendment was laid on the table.

The question then recurring upon the adoption of the amendment offered by Mr. Flint, the question was put and

the amendment adopted.

Mr. Shelton moved that the previous question, viz., the engrossment of the bill, be put, which being seconded was put and carried.

The main question, to wit: the engrossment of the bill, was put and carried, and the bill ordered to be engrossed.

On motion of Mr. Potter the following bills were taken up, to wit:

A bill to be entitled an Act to amend sections 12 and 15 of an act entitled an Act regulating elections passed March 16, 1848, and to amend the 9th and 14th sections of an act entitled an Act supplementary to an Act regulating elections, passed February 11, 1850. Read 2nd time and ordered to be engrossed. Constitutional rule was suspended. Bill read 3rd time and passed.

A bill to be entitled an Act supplementary to an act entitled an Act to define the duties of the Secretary of State, passed May 9, 1846. Bill read 2nd time and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

A bill to be entitled an Act supplementary to an Act defining the office and duties of notaries public passed May 13, 1846, was read 2nd time.

Mr. Ewing offered a substitute for the bill which was adopted. Bill ordered to be engrossed. Constitutional rule suspended. Read 3rd time and passed.

On motion of Mr. Maverick the bill to be entitled an Act to incorporate the San Antonio Mutual Aid Association was taken up, read 2nd time, and ordered to be engrossed.

A message from the Senate was received informing the House that the Senate had amended the House bill entitled an Act to provide for the defense of the frontier and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1862, and passed it with amendments.

Also that the Senate had passed a bill to be entitled an Act granting land to the Texas soldiers in the present war with the United States.

Also that the Senate had adopted a substitute for the House bill entitled an Act to provide for the families of Texan soldiers and passed the same.

On motion the House adjourned to ____ A.M. tomorrow.

House of Representatives of the
State of Texas, March 4, 1863

House met pursuant to adournment. Prayer by Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

On motion of Mr. Flewellen the bill entitled an Act to provide for the defense of the frontier and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861, was taken up for concurrence in the Senate's amendment. House refused to concur.

On a motion of Mr. Flewellen the Speaker appointed Messrs. Flewellen, McCoy, Alford of Tarrant, Costley, and Hale a committee of free conference upon the Senate's amendment.

By leave of the House Mr. Hardin offered the following resolution, to wit: **Resolved**, That the Comptroller be required to audit the claim for \$130 of the clerk employed under a resolution of the House of Representatives by the Joint Committee on the Court of Claims at the regular session of the Ninth Legislature upon the presentation of the certificate or account for such services, signed by the Chairman of said committee, which amount shall be paid out of the contingent fund of the House. Adopted.

On motion of Mr. _____ a Senate bill to be entitled an Act appropriating \$200,000 to be expended for the relief of the sick and wounded soldiers of the State of Texas in the Army of the Confederate States, was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time.

Mr. Potter offered the following amendment, to wit: Strike out of the 1st section the words "out of any money in the Treasury of the State not otherwise appropriated." Adopted, and bill ordered to be engrossed. Constitutional rule further suspended. Bill read 3rd time and passed.

A message from the Senate was received informing the House that the Senate had passed the following bills and resolution, to wit:

A bill to be entitled an Act to incorporate the Texas Lead and Copper Mine Company.

A bill to be entitled an Act to organize the State Troops and prescribing who shall be liable to military duty.

The House bill entitled an Act to punish those who

take the Alien Oath and refuse to participate in our struggle, with an amendment.

Also the House bill entitled an Act appropriating money to defray the expenses incurred for rations ordered by Brigadier General Wm. Hudson and forage for the 21st Brigade of State Troops.

Also a joint resolution relative to contract with Sherrod, Taylor, and Co.

Also a bill to be entitled an Act to incorporate the Washington County Mutual Aid Association.

Also a bill to be entitled an Act to incorporate the Columbus Mutual Aid Association.

Also a bill to be entitled an Act to supply a deficiency in a certain appropriation for paying officers and soldiers of State Troops.

Also the House bill to be entitled an Act to incorporate the Houston Mutual Aid Association.

On motion of Mr. _____ the House bill entitled an Act to punish those who take the Alien Oath and refuse participation in our struggle, reported from the Senate passed with an amendment, was taken up and the Senate's amendment agreed to.

A message from the Senate was received informing the House that the Senate had passed the following bills and resolution, to wit:

The House bill entitled an Act to define the offence of exciting insurrection, etc.

A bill to be entitled an Act to incorporate the Goliad Aid Association.

Also a bill to be entitled an Act to incorporate the Texas Paper Manufacturing Company, with an amendment.

On motion of Mr. _____ the above recited bill was taken up, and Senate's amendment agreed to.

Also a joint resolution in regard to trade.

On motion of Mr. _____ the above recited resolution was taken up. Read 1st time. Constitutional rule suspended. Resolution read 2nd time and passed to 3rd reading. Constitutional rule further suspended. Resolution read 3rd time and passed.

On motion of Mr. Perry a bill to be entitled an Act to authorize the directors of the State Penitentiary to allow the Financial [Agent] of the same to purchase additional machinery and to employ outside labor for the same was

taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

By leave of the House Mr. Ewing introduced a bill to be entitled an Act to authorize the Treasury to pay out Confederate Treasury notes for civil and military purposes. Bill read 1st time. Constitutional rule suspended. Read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Bill read 3rd time and passed.

On motion of Mr. Williams the Senate bill entitled an Act to provide necessary assistance for families and other dependents of officers and soldiers, was taken up. Read 1st time. Constitutional rule suspended. Read 2nd time.

Mr. Buckley (Mr. Flewellen in the Chair) offered the following amendment, to wit: add to end of 3rd section: "Provided that amount of tax collected shall not exceed the sum of twenty-five cents on the hundred dollars." Adopted.

Mr. Potter moved to amend by striking out "twenty-five cents" and insert "fifty cents." Amendment lost.

Mr. Buckley offered the following amendment, to wit: This act shall be cumulative of and not a repeal of an Act authorizing the county courts of the several counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State, approved January 1, 1862, but said act shall be and remain in force. Adopted and bill passed to 3rd reading. Read 3rd time and passed.

Mr. Ewing by leave of the House introduced a bill to be entitled an Act to amend an act entitled an Act to amend the 16 sections of an Act to provide for the assessment and collection of taxes, approved February 11, 1850, approved January 11, 1862. Read 1st time. Constitutional rule suspended. Bill read 2nd time and ordered to be engrossed. Constitutional rule suspended further. Bill read 3rd time and passed.

On motion of Mr. McNeill the bill entitled an Act to relieve all persons over the age of fifty years from payment of the Poll Tax was taken up. Read 2nd time and on motion of Mr. _____ was indefinitely postponed.

Mr. Staehely for the Committee on Enrolled Bills made the following report, to wit:
To the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to be entitled an Act to incorporate the Comal Manufacturing Company. A bill to be entitled an Act to authorize the county courts of Smith and Walker counties to levy a special tax for war purposes and have the same collected immediately. A bill to be entitled an Act making an appropriation to defray the contingent expenses of the extra session of the Ninth Legislature. A bill to be entitled an Act to attach Kendall County to the Fourth Judicial District and providing for the time of holding the courts in said District and to amend an act entitled an Act to provide for the time of holding the courts of the several counties in the Fourth Judicial District, approved 2nd February, 1858. A bill to be entitled an Act to incorporate the Jackson Manufacturing Company. A bill to be entitled an Act to authorize the establishment of ferries at the crossing of the Waco and Austin roads on the Lampasas and Leon Rivers in the county of Bell without obtaining a license. And found the same correctly enrolled.

The Committee on Free Conference on the bill entitled an Act to provide for the defense of the frontier and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861, made the following report, to wit:

To the Honorable J. M. Crockett, President of the Senate, and the Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Free Conference have considered the Senate's amendment to the House bill entitled an Act to provide for the defense of the frontier, and repealing certain sections of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861, and report the following. We accept the third section, it being an amendment made by the Senate, and reject the Senate amendment made to the second section and report back for adoption in lieu thereof the second section of the House bill.

R. T. Flewellen, Chairman on part of the House
Erastus Reed, Chairman on part of the Senate

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Committee Room,

Austin, March 2, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to amend the 12th and 15th Sections of an Act entitled an Act regulating elections, passed March 16, 1848, and to amend the 9th and 14th Sections of an act entitled an Act supplementary to an act regulating elections, passed February 11, 1850.

A bill to be entitled an Act supplemental to an Act defining the office and duties of notaries public, passed May 13, 1846.

A bill to be entitled an Act supplementary to an act entitled an Act to define the duties of Secretary of State, approved May 9, 1846, and a bill to be entitled an Act to incorporate the San Antonio Mutual Aid Association, and find the same correctly engrossed.

D. Willis,

for the Committee

Report received.

A message from the Senate was received informing the House that the Senate had passed a bill to be entitled an Act to punish certain persons for unlawful seizure of wagons and teams.

Mr. Camp offered the following resolution, to wit: **Resolved**, That the Chief Clerk be allowed twelve days from and after the adjournment of the Legislature to arrange the file the papers, etc., of the session and that he shall be allowed the same *per diem* pay for such service.

On motion of Mr. Thurmond the bill entitled an Act to incorporate the San Antonio Mutual Aid Association was taken up. Read 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Bethel, Blanch, Broaddus, Bush, Buckholts, Camp, Charlton, Clements, Cocke, Costley, Cone, Dillahunt, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Randolph, Reid of Victoria, Rhea, Richardson, Rip-petoe, Roberts, Rusk, Shelton, Slaughter, Staehely, Taylor,

Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—70 [69].

NAYS—0.

Report received.

Mr. Maverick offered a joint resolution in regard to John R. Baylor.¹⁷ Read 1st time.

On motion of Mr. Townes the Constitutional rule was suspended. Resolution read 2nd time and ordered to be engrossed.

Mr. Potter moved to amend by striking out the 2nd section. Adopted. Constitutional rule further suspended. Resolution read 3rd time and passed.

A message from the Senate was received, informing the House that the Senate had passed the joint resolution in regard to John R. Baylor.

On motion of Mr. Townes the bill entitled an Act prescribing the rate of charges for transportation on railroads was taken up and on motion of Mr. Reid of Victoria was laid upon the table by the following vote, to wit:

YEAS—Messrs. Alford of Tarrant, Bagby, Beall, Bush, Camp, Charlton, Dillahunty, Daugherty, Evans, Flewellen, Foote, Goodnight, Goodrich, Hall, Hardin, Harwell, Hays, Holland of Panola, Hooker, Hunt, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, Neal, O'Quinn, Parker, Price, Randolph, Reid of Victoria, Richardson, Roberts, Shelton, Slaughter, Taylor, Wade, Werbiskie, Williams, Willis, and Rippetoe—43.

NAYS—Messrs. Speaker, Blanch, Buckholts, Clements, Cone, Ewing, Flint, Ford, Hardeman, Junker, McNeill, Palmer, Potter, Richardson, Staehely, Thurmond, Townes, Walworth, Way, and Hill—20.

On motion of Mr. _____ the Senate bill entitled an Act to punish certain persons for unlawful seizure of wagons, teams, etc. was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time.

¹⁷Joint Resolution in regard to

John R. Baylor

Sec. 1. Be it resolved by the Legislature of the State of Texas, that, in view of the patriotic zeal, the known gallantry, and the past efficient and valuable military services, of our fellow citizen Col. John R. Baylor, the President of the Confederate States, be, and he is hereby respectfully requested to reinstate said Baylor in his command as heretofore; or place him in some similar position of usefulness: and that His Excellency the Governor be requested to transmit a copy of this resolution to His Excellency President Davis.

On motion of Mr. _____ the bill was laid on the table.

On motion of Mr. Potter the Senate bill entitled an Act to require district attorneys to report to the Comptroller's office in certain cases was taken up. Read 2nd time and passed to 3rd reading. Constitutional rule further suspended, bill read 3rd time and passed.

On motion of Mr. Thurmond the Senate bill entitled an Act to incorporate the Goliad Mutual Aid Association was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time and passed to 3rd reading.

A message from the Senate was received informing the House that the Senate had passed a bill to be entitled an Act to be entitled an Act to punish certain persons who evade or assist to evade the conscript laws of the Confederate States.

Also that the Senate had rejected the House bill entitled an Act to amend an act entitled an Act to amend an Act to establish a code of Criminal Procedure for the State of Texas, approved August 25, 1856, approved February 15, 1858.

Mr. Townes introduced a joint resolution in regard to the controversy between the Military Board of the State and Jno. M. Swisher & Co.¹⁸ Read 1st time.

Mr. Evans by leave introduced a bill to be entitled an Act to punish deserters. Read 1st time and referred to the Committee on Military Affairs.

On motion of Mr. McCoy, the Senate's joint resolution relative to a contract with Sherrod Taylor & Company was taken up and read 1st time.

A message from the Senate was received informing the House that the Senate had passed the following bills, to wit:

A bill to be entitled an Act to authorize and require the county clerks in this state to keep in his office a book to be known as the "Black Book."

A House Bill entitled an Act to amend the Penal Code, etc.

A House bill entitled an Act declaring void sales made by the public enemy who may occupy any portion of the territory of the State of Texas.

Also a House bill entitled an Act to provide against

¹⁸The resolution by Townes cannot be located in the Archives.

the hostile invasion of the State of Texas by persons of color.

And also a joint resolution in relation to the publication of the laws of the extra session of the Ninth Legislature.

Mr. Flewellen offered the following resolution, to wit: WHEREAS the frontier of Texas is invaded by the wild tribes of Indians, stealing the property and murdering our citizens from within forty miles of this Capitol to the Red River, and WHEREAS it is the duty of the Confederate Government to furnish protection upon said frontier, Therefore, **be it resolved**, That the Governor be requested to inform Major General Magruder of the condition of our people inhabiting the frontier, and request his co-operation in the defense thereof. Adopted.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Committee Room, March 4, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act to authorize the Treasurer to pay out Confederate Treasury notes for civil and military purposes.

A bill to be entitled an Act to amend an Act to amend the 16th section of an Act to provide for the assessment and collection of taxes, approved February 11, 1850, approved January 11, 1862.

A bill to be entitled an Act to authorize the directors of the State Penitentiary to allow the financial agent of the same to purchase additional machinery and to employ outside labor for the same, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

A message from the Senate was received informing that that house had passed a bill to be entitled an Act to incorporate the Lamar County Mutual Aid Association.

By leave of the House Mr. Hays introduced a bill to be entitled an Act to provide for electing Senators and Representatives for the Tenth Legislature for the year 1863 in counties occupied by the public enemy. Bill read

1st time. On motion of Mr. Hays the Constitutional rule was suspended. Bill read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Bill read 3rd time and passed.

On motion of Mr. Townes the joint resolution in regard to the controversy between the Military Board of the State and John M. Swisher & Company was taken up. Mr. Townes moved to suspend the Constitutional rule and that the resolution be read a 2nd time. Motion lost.

On motion of Mr. Buckholts the Senate bill entitled an Act to incorporate the Texas Lead and Copper Mine Company was taken up. Bill read 1st time. Constitutional rule suspended. Bill read 2nd time and passed to 3rd reading. Constitutional rule further suspended, bill read 3rd time and passed by:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Bush, Buckholts, Camp, Clements, Costley, Cone, Dillahunt, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Panola, Hooker, Junker, Magill, Mather, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Price, Potter, Randolph, Reid of Victoria, Rhea, Richardson, Rippe, Roberts, Shelton, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—62.

NAYS—Mr. Slaughter—1.

On motion of Mr. Blanch the bill entitled an Act to exempt from taxation the homesteads of soldiers who have been disabled for life in the service of the Confederate States, was taken up.

Mr. Williams moved to amend by striking out the word "property" and insert "homestead." Carried. Bill read 3rd time and passed.

On motion of Mr. Parker the joint resolution relative to a contract with Sherrod, Taylor & Co. was taken up. Constitutional rule suspended, resolution read 3rd time and passed.

On motion of Mr. Thurmond the bill entitled an Act to incorporate the Goliad Aid Association was taken up. Read third time and passed.

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Bush, Buckholts, Clements, Costley, Cone,

Dillahunt, Evans, Flewellen, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Slaughter, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—61.

NAYS—0.

Mr. Townes introduced a bill to be entitled an Act making further appropriation for the use and support of the State government for the year 1862 and 1863. Read 1st time, Constitutional rule suspended. Bill read 2nd time and ordered to be engrossed. Constitutional rule further suspended. Bill read 3rd time and passed.

Mr. Parker presented a memorial of sundry ladies of Travis County expressive of their appreciation of the able-bodied young men who avail themselves of civil positions to evade the military service, and offered the following resolution, to wit:

Resolved, That the memorial be noted on the Journal, and that the attention of the heads of departments be called to the same.

Parker¹⁹

Resolution adopted.

On motion of Mr. Ewing the Senate bill entitled an Act to supply a deficiency in a certain appropriation for paying officers and soldiers of State Troops, was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time and passed to a 3rd reading. Constitutional rule suspended. Bill read 3rd time and passed.

On motion of Mr. Blanch the Senate bill entitled an Act for the organization of State Troops and prescribing who shall be liable to military duty was taken up and read first time.

On motion of Mr. Rippetoe the Senate bill to be entitled an Act to incorporate the Washington County Mutual Aid Association, was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time and passed to 3rd reading. Constitutional rule further suspended. Bill

¹⁹The memorial of "sundry ladies of Travis County" cannot be located in the Archives.

read 3rd time and passed by the following vote:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Buckholts, Camp, Clements, Cone, Evans, Ewing, Flewellen, Flint, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Shelton, Slaughter, Taylor, Thurmond, Townes, Wade, Werbiskie, Williams, and Willis—60.

NAYS—0.

A message from the Senate was received informing the House that the Senate had passed the following bill, to wit:

A House bill entitled an Act supplementary to an Act defining the office duties of notaries public, passed May 13, 1846.

Also a House bill entitled an Act to prohibit the distillation of corn or other grain into alcohol or spiritous liquors in the State of Texas during the present war, with an amendment.

On motion of Mr. Potter the Senate bill entitled an Act to incorporate the Columbia Mutual Aid Association was taken up. Constitutional rule was suspended. Bill read 2nd time and passed to 3rd reading. Constitutional rule further suspended. Bill read 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Bush, Buckholts, Camp, Clements, Cone, Dillahunt, Evans, Ewing, Flewellen, Ford, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Moores, Neal, O'Quinn, Palmer, Parker, Perry, Potter, Price, Randolph, Reid of Victoria, Richardson, Rippetoe, Roberts, Shelton, Slaughter, Staehely, Taylor, Thurmond, Townes, Wade, Way, Werbiskie, Williams, and Willis—61 [60].

NAYS—0.

The Senate bill entitled an Act to punish certain persons for the unlawful seizure of wagons, teams, etc., was taken from the table.

Mr. Maverick offered a substitute for the bill which

was adopted and bill passed. Bill passed to 3rd reading. Constitutional rule suspended. Bill read 3rd time and passed.

Mr. E. D. Townes, Chairman of the Select Committee on Asylums, made the following report, to wit:
Honorable C. W. Buckley, Speaker of the House of Representatives:

The special committee appointed under a resolution of the House for the purpose of enquiring into the consideration of the Lunatic Asylum and the institutions for the education of the deaf and dumb, and the blind, respectfully report that the Lunatic Asylum is in successful operation fulfilling its mission of mercy under the management of its able and energetic superintendent, Dr. J. M. Steiner; the institution for the education of the deaf and dumb is also in successful operation. Under the management of Professor J. Van Nostrand, it has been the means of educating a number of unfortunates who would otherwise have grown up in ignorance and made them blessings instead of curses to society. We cannot commend this institution and its management too strongly to the Legislature and the people of the state.

The Committee regret that they cannot report so favorably as to the condition of the institution for the education of the blind. About the 1st of January, 1862, the superintendent resigned, and before another one could be appointed and enter upon the discharge of his duties, the pupils had gone to their homes, and the Institution was in effect broken up. About the last of March of the present [year], Superintendent Rev. W. A. Smith took charge of the Institution. The pupils have not returned, and it is now in a languishing condition. This state of things ought not to continue. It is important that the Institution should be revived and go on to fulfill the bennificent objects of its creation. We are satisfied that there is no reason for the continued absence of the pupils once in attendance, or for any who need its benefits, staying away. The buildings are ample and in good order; the appropriation for its support sufficient; the superintendent, matron, and teachers, able, efficient, and reliable. We believe every care will be taken to improve the minds and morals of the pupils, and cause the light of science and religion to beam upon the dark pathway of life assigned them by an All Wise Creator.

The State with paternal kindness offers them light. Let them come and partake of its blessings.

E. D. Townes, Chairman

On motion the House adjourned to 9 A.M. tomorrow morning.

House of Representatives of the
State of Texas, March 5, 1863

House met pursuant to adjournment. Prayer by the Chaplain, roll called, quorum present, Journal of yesterday read and adopted.

A message from the Senate was received informing the House that the Senate had passed the following bills, etc, to wit: A bill to be entitled an Act to incorporate the Caldwell County Mutual Aid Society.

A joint resolution of thanks to Major General Magruder and others as a substitute for _____ a House joint resolution tendering thanks to Major General Magruder's officers and men.

On motion of Mr. Perry a bill to be entitled an Act to regulate the distribution of cloth manufactured in the State Penitentiary among families of soldiers, was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

Mr. Cone for the Committee to prepare an address to our soldiers in the field made the following report, to wit:

Extract from the House Journals 16th of February, 1863.

Mr. Cone asked permission to read a letter directed to the Governor of Texas from the Rev. Jessie Boring of the Army in Arkansas, and offered the following resolution in reference thereto:

Resolved, That a committee of three be appointed by the House of Representatives to act with a like committee on the part of the Senate to prepare an address to our soldiers in the field, assuring them that their gallant conduct and their unwavering devotion to the cause which has made them soldiers are fully appreciated by the representatives of the people now assembled under a call of the Governor of the State, and that the Legislature of Texas will before it closes its present session make full and adequate provision for their families who may be suffering and whatever else may be Constitutionally done to alleviate the distress incident upon our prolonged struggle for indepen-

dence and the rights of the South. Adopted.

Whereupon the Speaker appointed Messrs. Cone, Williams, and Simpson a Committee on the part of the House and the Senate appointed Messrs. Burney and Guinn a committee on the part of the Senate.

Texan Soldiers:

The representatives of the people of your state have been convened in extraordinary session of the Legislature by the Governor, and they deem it a fit opportunity to express the admiration which your gallantry has excited, and their just appreciation of the services which you have rendered to our common country upon the battle field.

Wherever the Armies of the South have met the invader, your valor and devotion have been conspicuous and though thousands of your comrades have gone down beneath the shock of battle and you who remain have suffered as did your Fathers in their struggle for Liberty, yet the Army of Texas continues to carry terror to the hearts of our foemen, and consternation to the abolition hordes, which have vainly essayed our subjugation.

While you are exposed to all the hardships of a soldier's life, while you are far away from home and the loved faces round the fireside, while you are on the dreary march or struggling in the deadly conflict; we are not unmindful of your patriotism and your devotion to your Country's cause, nor can we forget the sacred obligations under which we rest: to see those loved ones protected, and shielded from want and suffering.

God in all His inscrutable wisdom still permits this dreadful war to continue and our Country bleeds from every pore. The rich man's dwelling, the humble cottage, the merchant's desk, the blacksmith's forge, the plow, the office, all professions and avocations have sent their representatives to swell the armies which have proved a wall of fire round our beloved land. The sick and poor, the humble and the exalted, have made common cause, and shoulder to shoulder present an unbroken front to those who would subdue them. At home the loom and the spinning wheel make music alike in the mansions of the wealthy and the habitations of the poor, and the women of our State vie with each other in contributing to the wants of the soldier abroad or the needy wives and children at home. No people such as we have proven ourselves to be can be

conquered or overcome; and although the struggle has been prolonged, and the cloud still curtains with darkness our horizon, yet looking to the patriots, God for strength, and relying upon the chivalry and unflinching heroism of our armies, we know the time must soon come when the foe will be driven from our borders and peace shall once more spread his white wings over the nation.

We have attempted during the present session of the Legislature to make ample and abundant provision for the families of our soldiers in the service; and with unanimity, have pledged ourselves to see the suffering provided for, and the needy relieved. We have appropriated a large amount of money to this end, and empowered the counties to increase the tax upon their citizens for the purpose of carrying out the determination of your representatives, and making glad the hearts of the bereaved and the destitute. Nothing that we can do as representatives or as men shall be left undone to make comfortable the wives, the mothers, and the children who are entrusted to our care by the soldiers of Texas, and it shall be our pride to see that they do not want, while the fathers, brothers, husbands, and sons are breasting the storms of war and sacrificing health and life, that we may be free.

The chilling winds of winter are passing away, and spring has already touched with her magic wand the forest trees, and the Earth is putting on her robe of green. The Heavens have poured out refreshing rain, the corn is springing from the ground, and the prospect for abundance is bright and cheering. To Him who doeth all things well, our hearts are lifted up in gratitude for the many blessings which our beloved State has enjoyed, while there has been so much suffering in our sister states. If He be for us and with us, who shall make us afraid.

To you brave soldiers we turn with pride. Your valerous deeds have attracted a nation's gaze and wrung from the lips of your adversaries wonder and admiration. Every battle field has its story of your prowess and your victories, and history will write your names among the bravest of the brave. Stand by your colors and the gallant men who lead you. The enemy are giving away, their ranks are broken, consternation has seized upon those who have been defiant, and the wicked usurper begins to see the handwriting on the wall. But a little while longer we shall have to

struggle and then with open arms you shall be welcomed back by those who will feel that your bravery and your devotion won our independence and gave us a name and a place among the nations of the earth.

	Horace Cone, Chairman
House Committee	Frank E. Williams
	J. P. Simpson
Senate Committee	G. E. Burney, Chairman
	R. H. Guinn

and the ayes and nays being called on the adoption of the report, the following vote was taken, to wit:

YEAAS—Messrs. Speaker, Alford of Tarrant, Beall, Blanch, Bush, Buckholts, Camp, Charlton, Clements, Costley, Cone, Dillahunty, Evans, Ewing, Flewellen, Ford, Goodnight, Goodrich, Hardeman, Hardin, Hall, Hill, Holland of Panola, Hooker, Hunt, Junker, Magill, Mather, Mathews, Marshall, Maverick, McCoy, McKie, McNeill, Neal, Palmer, Parker, Perry, Potter, Price, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—56.

NAYS—Harwell, Hays, Shelton, Slaughter—4.

Report adopted.

Honorable C. W. Buckley

To the Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to be entitled an Act to procure specie to enable the people to pay the Specie Tax.

A bill to be entitled an Act making an appropriation for the mileage and **per diem** pay of the members and **per diem** pay of the officers of the extra session of the Ninth Legislature.

A bill to be entitled an Act to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them, and to prevent the sale of calves for slaughter without branding.

A bill to be entitled an Act to incorporate the Dallas Male and Female College.

A bill to be entitled an Act to authorize the county courts of Bastrop and other counties herein named, to regulate the pay of sheriffs in certain cases.

A bill to be entitled an Act to amend the first section

of an act entitled an Act to amend the 1st and 11th sections of an Act to authorize the sale of the Public Domain, approved February 11, 1858, approved January 1, 1862, and to amend the second section of an act entitled an Act to authorize the sale of the public domain, approved February 11, 1858, and found the same correctly enrolled, properly signed, and have presented the same this day to the Governor for his signature and approval.

J. A. Staehely

one of the Committee

Report received.

On motion of Mr. Thurmond the joint resolution in relation to disbanding the military organization known as the Coast Guards or Spy Company, was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended, resolution read 3rd time and passed.

Mr. Beall with leave of the House introduced a bill to be entitled an Act to restrict the planting and culture of cotton. Read 1st time and referred to the Committee on Agricultural Affairs.

Also a bill to be entitled an Act to prevent the making or distillation of ardent spirits. Read 1st time and referred to the Committee on State Affairs.

Mr. Parker with leave of the House presented the memorial of Wm. G. Cooke in relation to divorce and alimony.²⁰ Referred to the Committee on the Judiciary.

On motion of Mr. Flewellen the vote taken yesterday on the adoption of the Committee of Free Conference on the Senate's amendment to the frontier bill was reconsidered and report, bill, and amendment was referred back to the Committee, who made the following report, to wit: To the Speaker of the House of Representatives:

The Joint Committee of Free Conference to whom was referred a bill to be entitled an Act to provide for the defense of the frontier, and repealing certain sections of an Act entitled an Act to provide for the protection of the frontier, approved December 21, 1861, having had the same under consideration, report the original bill as passed by the House for adoption, and rejecting all amendments made by the Senate.

Erastus Reed, Chairman for the Senate

²⁰The memorial of William G. Cooke cannot be located in the Archives.

R. T. Flewellen, Chairman for the House Report adopted.

A message from the Senate was received informing the House that the Senate had refused to recede from its amendment to the House bill entitled an Act to prohibit the distillation of corn and other grain in the State of Texas during the war, and appointed a committee of free conference thereon to act with a like committee from the House.

Also that the Senate had rejected the House's amendments to the Senate bill entitled an Act to provide necessary assistance for families and other dependents of officers and soldiers.

Also that the Senate had passed the House bill entitled an Act to amend an act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, and to amend an act entitled an Act to amend an act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, approved April 8, 1861, approved January 13, 1862, with an amendment.

On motion of Mr. Williams the House bill entitled an Act to prohibit the distillation of corn and other grain in the State of Texas during the war, reported back from the Senate, passed with an amendment, was taken up. Amendment read.

Mr. Shelton moved to disagree to the Senate's amendment, and that a committee of free conference be appointed to confer thereon with a like Committee on part of the Senate. Motion carried. Amendment disagreed to, to wit: Messrs. Shelton, Williams, and Hardeman appointed and reported to the Senate.

On motion of Mr. Townes, the Senate bill entitled an Act to provide necessary assistance for families and dependents of officers and soldiers, passed by the House with amendments and reported back from the Senate with a House amendment rejected, was taken up. House adhered to the amendment and appointed the following the Committee of Free Conference, viz., Townes, Potter, and Parker, and notified the Senate.

A message from the Senate was received informing the House that the Senate had passed the following House bills, to wit:

A bill to be entitled an Act to amend an act entitled an

Act to amend an Act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856, approved February 15, 1858.

A bill to be entitled an Act to amend the 12th and 15th sections of an act entitled an Act regulating elections, passed March 16, 1848, and to amend the 9th and 14th sections of an act entitled an Act supplementary to an Act regulating elections, passed February 11, 1850.

A bill entitled an Act to punish persons obtaining goods under false pretenses from the Penitentiary of the State.

A bill to be entitled an Act authorizing the purchase of machinery for the use of the Penitentiary.

A bill to be entitled an Act to authorize the Treasurer to pay out Confederate Treasury Notes for civil and military purposes.

A bill to be entitled an Act to regulate the distribution of cloth manufactured at the State Penitentiary among the families of soldiers.

Also a joint resolution in relation to certain salines near Double Mountain.

And also a joint resolution in relation to public printing.

Mr. Blanch offered the following resolution, to wit: Resolved, That 1,000 copies of the address of the joint committee of the Senate and House of Representatives to our soldiers be published and the Governor transmit them to the various commands in the different sections of the Confederacy. Adopted.

On motion of Mr. Townes the Senate's substitute to the House's joint resolution tendering thanks to General Magruder's officers and men was taken up and read 1st time. Constitutional rule suspended. Resolution read 2nd time and passed to 3rd reading. Constitutional rule further suspended. Resolution read 3rd time and passed.

Also the House bill entitled an Act to amend an act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, and to amend an act amendatory of the law to raise revenue by taxation, approved February 16, 1858, approved April 8, 1861, approved January 13, 1862, passed in Senate with amendment and reported back, was taken up and Senate's amendment agreed to.

On motion of Mr. Blanch the Senate bill entitled an

Act to organize the State Troops and to prescribe who shall be liable to military duty, was taken up. Read 2nd time. Mr. Flewellen offered a substitute for the bill.

Mr. Hays offered the following amendment, to wit: Amend so as to exempt physicians who are graduates and actually engaged in practicing their professions.

Mr. Williams offered the following amendment, to wit: Amend by inserting "and lawyers who are graduates and practice in Justice Courts."

Mr. Shelton moved to lay both amendments on the table. Carried.

Mr. Thurmond offered the following amendment, to wit: "one physician for each sixty families who has been engaged in the practice for the last preceeding five years."

Mr. McCoy offered the following amendment, to wit: Amend 1st section "and such millers as may be necessary to each steam or water mill that grinds for the public, and as many engineers as may be necessary for each steam mill in actual operation."

Mr. Thurmond moved to lay Mr. McCoy's amendment on the table. Motion lost.

The question then recurring on the adoption of Mr. McCoy's amendment was put and amendment adopted.

Mr. Foote offered the following amendment, to wit: Amend so as to exempt editors and printers actually engaged in publishing newspapers. Amendment lost.

Mr. Magill offered the following amendment, to wit: amend 1st section by inserting "manufacturing of salt for the public."

Mr. Charlton moved to amend Mr. Magill's amendment by adding "who make 20 bushels per day."

Mr. Shelton moved to lay both amendments on the table, which was carried.

Mr. Harwell offered the following amendment, to wit: Strike out all that portion of Section 4 relative to the pay of enrolling officers, which was lost.

Mr. Richardson offered the following amendment, to wit: Strike out in the 2nd line the words "of the Government," and after the word "state" insert the words "of Texas except coroners, justices of the peace, constables, and notaries public and all officers," which was adopted.

Mr. Thurmond offered the following amendment, to wit: Amend by striking out "apothecary."

Mr. Shelton moved to lay Mr. Thurmond's amendment on the table. Carried.

Mr. Harwell offered the following amendment, to wit: After the word "Brigade" in Section 4th, insert "Provided the enrolling officer shall be over the age to be conscripted to entitle him to such pay."

Mr. Roberts moved the previous question, to wit: the adoption of the substitute, which being seconded was put and carried. Bill passed to 3rd reading. Constitutional rule suspended. Bill read 3rd time and passed.

On motion of Mr. Hardin the Senate joint resolution in relation to the publication of the laws of the extra session of the Ninth Legislature was taken up. Read 1st time. Constitutional rule suspended, resolution read 2nd time.

A message from the Senate was received informing the House that the Senate had passed the House bill entitled an Act making further appropriation for the use and support of the Government for the year 1862 and 1863.

Also a House bill to be entitled an Act to repeal an act entitled an Act concerning the Alamo ditch in the City of San Antonio, and to regulate irrigation therefrom, approved April 8, 1846.

Also a bill to be entitled an Act to authorize the Governor to regulate the manufacture and sale of salt in this state.

On motion of Mr. Ewing the House bill entitled an Act making further appropriations for the use and support of the Government for the year reported back from the Senate passed with amendments, was taken up and Senates's amendments agreed to.

On motion of Mr. Thurmond a Senate bill to be entitled an Act to incorporate the Caldwell County Mutual Aid Society was taken up. Read 1st time. Constitutional rule suspended. Bill read 3rd time and passed by the following vote, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Bagby, Beall, Blanch, Bush, Buckholts, Camp, Charlton, Clements, Costley, Cone, Dillahunty, Ewing, Evans, Flewellen, Flint, Foote, Goodnight, Goodrich, Hale, Hardeman, Hardin, Harwell, Hays, Hall, Hill, Holland of Panola, Hooker, Hunt, Magill, Mather, Marshall, Maverick, McCoy, McKie, McNeill, O'Quinn, Palmer, Parker, Perry, Potter, Randolph, Reid of Victoria, Rhea, Richardson, Rippetoe, Roberts,

Shelton, Slaughter, Staehely, Taylor, Thurmond, Townes, Wade, Walworth, Way, Werbiskie, Williams, and Willis—61 [59].

NAYS—0.

On motion the House adjourned to 3 P.M.

3 P.M.

House met pursuant to adjournment. Roll called, quorum present.

Mr. Potter offered the following resolution, to wit: **Resolved**, That as a slight testament of our appreciation of the patriotic devotion to our country's cause manifested by the ladies of Austin, each member of this House will devote one day of his *per diem* to the purchase of tickets of admission to the tableaux to be given by them on this evening for the benefit of our soldiers in Arkansas.

Potter

Adopted.

A message from the Senate was received informing the House that the Senate had passed the House bill entitled an Act regulating the manner of collecting taxes and repealing certain loans.

On motion of Mr. Way the bill entitled an Act authorizing the release of sureties on the bonds of assessors and collectors, was taken up. Read 2nd time and ordered to be engrossed. Rule suspended. Bill read 3rd time and passed.

On motion of Mr. Hardin the Senate bill entitled an Act to punish persons who evade and assist to evade the conscript laws, was taken up. Read 1st time. Mr. Williams moved to suspend the Constitutional rule that the bill may be read 2nd time.

Mr. Buckholts moved to lay the bill on the table. Carried.

Mr. Willis for the Committee on Engrossed Bills made the following report:

Committee Room, March 5, 1863

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act exempting the homestead of soldiers from taxation, etc.

A bill to be entitled an Act making further appropriations for the use and support of the State Government, etc.

A joint resolution in relation to disbanding military

organizations known as the Coast Guards or Spy Companies, etc., and find the same correctly engrossed.

D. Willis

for the Committee

On motion of Mr. _____ the Senate bill entitled an Act authorizing the Governor to regulate the manufacture and sale of salt was taken up. Read 1st time. On motion to suspend constitutional rule, the ayes and nays being called for the following vote was taken, to wit:

YEAS—Messrs. Speaker, Alford of Tarrant, Beall, Blanch, Bush, Camp, Clements, Cone, Dillahunty, Evans, Flewellen, Flint, Goodnight, Goodrich, Hardin, Hardeman, Harwell, Hooker, Hunt, Mather, Marshall, Maverick, McKie, Neal, O'Quinn, Parker, Perry, Potter, Price, Randolph, Rhea, Rippetoe, Roberts, Shelton, Staehely, Taylor, Townes, Wade, Williams, and Willis—42 [40].

NAYS—Messrs. Bagby, Buckholts, Charlton, Costley, Ewing, Foote, Hale, Hays, Magill, Mathews, McCoy, Reid of Victoria, Thurmond, and Walworth—14.

No quorum present.

On motion the House adjourned to 9 A.M. tomorrow morning.

House of Representatives of the
State of Texas, March 6, 1863

House met pursuant to adjournment. Prayer by Chaplain, roll called, quorum present. Journal of yesterday read and adopted.

A message from the Senate was received informing the House that the Senate had adopted and passed the House substitute to the Senate bill entitled an Act to amend the 2nd section of an act supplementary to an act entitled an Act to perfect the organization of the State Troops and place the same on a war footing, approved December 25, 1861, with the amendments thereto.

Also a bill to be entitled an Act authorizing the release of sureties on the bonds of assessors and collectors.

Also a House bill entitled an Act supplemental to an Act to raise revenue by taxation with an amendment.

Also a House bill to be entitled an Act to provide for electing Senators and Representatives for the 10th Legislature for the year 1863 in counties occupied by a public enemy, etc.

Also a House joint resolution in relation to disbanding

military organizations known as the Coast Guards or Spy Company, etc.

The Joint Committee of Free Conference on the amendments to the bill entitled an Act to prohibit the distillation of corn and other grain in the State of Texas during the war, made the following report, to wit: the Joint Committee of Free Conference on the House bill entitled an Act to prohibit the distillation of corn and other grain into alcohol or spiritous liquors in the State of Texas during the war, with the Senate's amendment have met and the majority of the Committee recommended that the Senate recede from its amendment.

Mr. Camp with leave of the House introduced a bill entitled an Act to provide summary mode for the collection of officers fees. Read 1st time and referred to the Committee on the Judiciary.

Mr. Townes with leave of the House introduced a bill to be entitled an Act supplemental to an Act to raise revenue by taxation. Read 1st time, Constitutional rule suspended. Bill read 2nd time. Mr. Ewing offered the following amendment, to wit: Insert after the word "pawnbroker" the words "or distillery." Adopted. Mr. Buckholts offered to amend by inserting after the word "tax," "and provided only 75 per cent on cost of material manufactured shall be charged upon the amount of liquor used for medicinal purposes." On motion of Mr. Price the amendment was laid on the table. Bill ordered to be engrossed. Constitutional rule further suspended, bill read 3rd time and passed.

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to be entitled an Act to incorporate the Texas Iron Company.

A bill to be entitled an Act appropriating money to defray the expenses incurred for rations and forage, ordered by Brigadier General Wm. Hudson, 21st Brigade, State Troops.

A bill to be entitled an Act to define the offense of exciting insurrection or insubordination of slaves in certain cases and to prescribe the punishment therefor.

A bill to be entitled an Act to incorporate the Texas

Paper Manufacturing Company.

A bill to be entitled an Act to exclude from office, serving on juries, taking or holding property and from the rights of suffrage all persons who take the Alien Oath, leave our country to avoid the service, or who join the enemy or in any way give them aid and comfort.

A bill to be entitled an Act to incorporate the Houston Mutual Aid Association.

A bill to be entitled an Act to provide for the support of the families of Texas soldiers.

And found the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature.

J. A. Staehely,
one of the Committee

The Joint Committee of Free Conference on the amendments to the Senate's bill entitled an Act to provide necessary assistance for families and other dependants of officers and soldiers, made the following report, to wit: To the Honorable President of the Senate and Speaker of the House of Representatives:

The Committee of Free Conference appointed by the two Houses on a bill to be entitled an Act to provide necessary assistance for families and other dependents of officers and soldiers, beg leave to report:

That they have agreed to recommend that the 1st amendment of the House shall be adopted, and that the 2nd be also adopted after changing the limit to seventy-five cents instead of twenty-five cents.

They have also agreed to report the following amendment; add at the end of the 3rd section as amended, as follows, "within ten days after the levy of the tax it shall be the duty of the county court to report to the Comptroller of Public Accounts by certificate under the seal of the county, the rate of taxation so levied by such court, and in the receipt of such report by the Comptroller it shall be his duty to notify the Assessor and Collector of each county in the State of the rate of taxation so levied by each of the several counties so reported to him.

And the Committee recommend the adoption of these amendments.

Pryor Lea for the Senate
E. D. Townes for the House

- No. 1 This act shall be _____ of and not a repeal of an Act authorizing the County courts of the several counties in this state to levy and collect a special tax for the war purposes, on all property subject to taxation by the State, approved January 1, 1862.
- No. 2 At the end of the 3rd section, add _____ Provided the amount of tax collected shall not exceed the sum of twenty-five cents on the one hundred dollars.

On motion of Mr. Townes the House bill entitled an Act supplemental to an Act to raise revenue by taxation reported back from the Senate passed with an amendment was taken up, and the Senate's amendment agreed to.

On motion of Mr. Richardson the joint resolution in response to the joint resolution of the General Assembly of the State of Florida, approved December 11, 1862, was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended, resolution read 3rd time and passed.

On motion of Mr. Buckholts a House bill entitled an Act to amend the 9th section of an act entitled an Act to provide for the registration of deeds and other instruments of writing, approved May 13, 1846, was taken up. Read 2nd time and ordered to be engrossed. Constitutional rule suspended. Bill read 3rd time and passed.

On motion leave was granted to Mr. Parker to withdraw the memorial of Wm. B. Cooke in relation to divorce and alimony.

A message from the Senate was received informing the House that the Senate had passed the following titled joint resolution, to wit: A Senate joint resolution providing for the payment of the expenses of the investigation by the Joint Committee of both Houses of this condition of the State Penitentiary.

Also a Senate Joint resolution in regard to General Sibley.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following report, to wit:

Representative Hall

Austin, March 6, 1863

Mr. Speaker:

The Judiciary Committee herewith return to the House

the memorial of Wm. B. Cooke accompanied by a bill in relation to divorce and alimony, which the Committee have not had time to examine, and as the Legislature adjourns on tomorrow there is not time to consider the bill. The Committee also return to the House two other bills, action upon which in the opinion of the Committee is unnecessary. The Committee therefore ask to be discharged from the further consideration of the bills, etc.

M. M. Potter, Chairman

Report received.

A message from the Senate was received informing the House that the Senate had passed the following entitled House bills, to wit: a bill to be entitled an Act to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the States, with an amendment.

Also a bill to be entitled an Act to amend the 9th section of an act entitled an Act to provide for the registration of deeds and other instruments of writing, approved May 12, 1846.

On motion of Mr. Perry, a House bill entitled an Act to repeal Article 175 and Article 177 in Chapter 12 of the Penal Code, was taken up. Read 2nd time.

On motion of Mr. O'Quinn the bill was laid upon the table.

On motion of Mr. _____ the Senate joint resolution providing for the expenses of the investigation by the joint committee of both of the Houses on the condition of the State Penitentiary, was taken up. Read 1st time. Constitutional rule suspended, resolution read 2nd time and passed to 3rd reading. Resolution read 3rd time and passed.

Mr. Willis for the Committee on Engrossed Bills made the following report, to wit:

Committee Room, Austin, March 6, 1863
Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Engrossed Bills have examined a bill to be entitled an Act authorizing the release of securities on the bonds of assessors and collectors.

A bill to be entitled an Act supplemental to acts to

raise revenue by taxation, and find the same correctly engrossed.

D. Willis,
for the Committee

Report received.

Mr. Flewellen offered the following resolution, to wit: **Resolved**, That the House of Representatives hereby tender their thanks to the Honorable C .W. Buckley, Speaker of the House, for the able and impartial manner in which he has administered the Rules of the House, and presided over the deliberations of this body. Adopted.

Mr. McCoy offered the following resolution, to wit: **Resolved**, That the five copies of the **Almanac Extra** of each member of the House of Representatives be sent to the members at their respective post offices until the Journals are completed, and further **Resolved**, That each member will enter his name and post office on a list prepared for that purpose at the Clerk's desk.

Mr. Williams offered the following amendment, to wit: **Resolved**, That the thanks of this body are hereby tendered to the Clerks, Sergeant-at-Arms, Assistant Sergeant-at-Arms, and Doorkeeper for their uniform kindness to the members, and for their efficiency and promptness in the discharge of the duties of their respective positions. Adopted.

House on motion adjourned to 7 P.M.

7 P.M.

House met pursuant to adjournment. Roll called, quorum present.

On motion of Mr. Blanch a bill entitled an Act to authorize the Commissioner of the General Land Office to issue certificates to all persons and corporations as they may be entitled to receive under any general or special law of the State, was taken up, and Senate amendment agreed to.

A message from the Senate was received informing the House that the Senate had passed the following entitled bills and resolutions, to wit: a bill entitled an Act to incorporate the San Antonio Mutual Aid Association.

A bill to be entitled an Act to authorize the Comptroller to suspend the collection of ordinary taxes if necessary.

Also a House joint resolution concerning retaliation.

Also a joint resolution of the General Assembly of the State of Florida.

On motion Mr. Costley had leave to withdraw the papers in the file of J. M. Barry.

On motion Mr. Price had leave to withdraw the petition of J. O. Majors and Carro M. Quarles.

Mr. Beall offered the following resolution, to wit:

Resolved, That the members of the House individually and collectively acknowledge the faithfulness, patriotism, and devoutness with which Mr. Reese, our Chaplain, had discharged the duties of his office, and that this resolution shall be spread on the Journals of this House.

Beall

Adopted.

A message from the Senate was received informing the House that the Senate had passed a bill entitled an Act to provide for the sale of lots in the City of Austin.

On motion of Mr. Flewellen the above recited bill was taken up. Read 1st time. Constitutional rule suspended. Bill read 2nd time and bill passed to 3rd reading. Constitutional rule further suspended. Bill read 3rd time and passed.

On motion of Mr. Cone the bill entitled an Act to authorize the Comptroller to suspend the collection of taxes if necessary, was taken up. Read 1st time.

A message from the Senate was received informing the House that the Senate had passed a bill entitled an Act to suspend the corporate authority of the town of San Patricio.

On motion of Mr. Flewellen, a bill to be entitled an Act to inflict punishment by imprisonment in the State Penitentiary on all commissioned officers of the United States Army captured on the soil of Texas, was taken up. Read 1st time.

Mr. Buckholts introduced a joint resolution in regard to General Sibley.²¹ Read 1st time.

On motion of Mr. Thurmond the bill entitled an Act to be entitled an Act to suspend the corporate authority of the town of San Patricio was taken up. Read 1st time, Constitutional rule suspended, bill read 2nd time.

Mr. Cone offered the following amendment, to wit:

²¹The resolution concerning General H. H. Sibley cannot be located in the Archives.

"Provided the people of the town desire the suspension."

Mr. Maverick moved to lay the amendment on the table. Carried, and bill passed to 3rd reading. Bill read 3rd time and passed.

On motion of Mr. Hardin the Senate bill to be entitled an act to punish persons who evade or assist to evade the conscript laws, was taken up. Read 2nd time and passed to 3rd reading. Constitutional rule suspended. Bill read 3rd time and passed.

Mr. Staehely for the Committee on Engrossed Bills made the following report, to wit:

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to be entitled an Act to incorporate the San Antonio Mutual Aid Association, and also a joint resolution in regard to John R. Baylor.

A joint resolution concerning retaliation.

A joint resolution in response to the joint resolution of the General Assembly of the State of Florida, approved December 11, 1862.

And found the same correctly enrolled, properly signed, and I have this day presented the same to the Governor for his approval and signature.

J. A. Staehely

one of the Committee

Report received.

Honorable C. W. Buckley, Speaker of the House of Representatives:

The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to be entitled an Act to amend an Act to establish a Penal Code, approved August 26, 1856, approved February, 1858.

A bill to be entitled an Act declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas.

A bill to be entitled an Act supplemental to an Act entitled an Act defining the office and duties of notaries public, passed May 13, 1846, and to amend the first section of said act.

A bill to be entitled an Act to amend the 12th and 15th

sections of an act entitled an Act regulating elections, passed March 16, 1848, and to amend the 9th and 14th sections of an act entitled an Act supplementary to an Act regulating elections, passed February 11, 1850.

A bill to be entitled an Act to punish any person or persons who may obtain goods from the State Penitentiary under false pretense.

A bill to be entitled an Act to authorize the Treasurer to pay out Confederate Treasury notes for civil and military purposes.

A bill to be entitled an Act to amend an act entitled an Act to amend the sixteenth section of an Act to provide for the assessment and collection of taxes, approved February 11, 1850, approved January 11, 1862.

A bill to be entitled an Act to provide against the invasion of the State of Texas by persons of color.

A bill to be entitled an Act to amend an act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, and to amend an act entitled an Act to amend an Act amendatory of the laws to false revenue by taxation, approved February 16, 1858, approved April 8, 1861, approved January 13, 1862.

A bill to be entitled an Act to repeal an act entitled an Act concerning the Alamo ditch in the city of San Antonio and to regulate irrigation therefrom, approved April 8, 1861, also a joint resolution in relation to public printing.

A joint resolution concerning certain salines.

A bill to be entitled an Act to provide for the defense of the frontier and repealing certain provisions of an act entitled an Act to provide for the protection of the frontier, approved December 21, 1861.

A bill to be entitled an Act to amend an act entitled an Act to amend an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856, approved February 16, 1858.

A bill to be entitled an Act to regulate the distribution of cloth manufactured at the State Penitentiary among the families of soldiers in the Confederate Army.

A bill to be entitled an Act to authorize the Directors of the State Penitentiary to allow the financial agent of the same to purchase additional machinery and to employ outside labor for the same.

A bill to be entitled an Act authorizing the release of

securities on the bonds of assessors and collectors.

A bill to be entitled an Act to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State.

A bill to be entitled an Act to amend the 9th section of an act entitled an Act to provide for the registration of deeds and other instruments of writing, approved May 12, 1846.

A bill to be entitled an Act making further appropriations for the use and support of the State Government for the years 1862 and 1863.

A bill to be entitled an Act to amend the 2nd section of, and supplementary to, an Act to perfect the organization of the State Troops and place the same on a war footing, approved December 25, 1861.

A bill to be entitled an Act supplemental to an act to amend an act to amend an act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, and to amend an act entitled an Act to amend an Act amendatory of the laws to raise revenue by taxation, approved February 16, 1858, approved April 8, 1861, approved _____ day of March, 1863.

A bill to be entitled an Act to provide for electing Senators and Representatives to the 10th Legislature for the year 1863, in counties occupied by a public enemy.

A joint resolution requesting His Excellency the Governor to disband all military organizations known as the Coast Guards or Spy Companies, and found the same correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval and signature.

J. A. Staehely
one of the Committee

Report received.

On motion the House adjourned to half past 7 A.M. tomorrow morning.

March 7, 8 A.M., 1863

House met pursuant to adjournment.

On motion of Mr. Cone a Committee consisting of Messrs. _____ [Cone and others] was appointed

to inform the Senate that the House was ready to adjourn **sine die**.

A Committee from the Senate appeared and informed the House that the Senate was ready to adjourn **sine die**.

The Committee on part of the House reported that they had performed their duty assigned them, whereupon the House adjourned **sine die**.

Appendix I.

**MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES
OF THE NINTH LEGISLATURE, CALLED SESSION**

Name	Dist.	Resident County	Post Office	Counties Represented
Junker, Isaiah	1	Polk	Livingston	Jefferson, Chambers, Liberty, Orange Liberty, Polk Tyler, Hardin Jasper, Newton San Augustine, Sabine Shelby
Willis, D.	2			
Charlton, N. B.	3			
Roberts, W. T. ²²	4			
Slaughter, Richard F.	5			
Roberts, Franklin F. ²²	6			
Hardeman, Black	7	Nacogdoches	Melrose	Nacogdoches Nacogdoches, Angelina Houston Anderson Trinity, Houston, Anderson Cherokee
Rusk, J. C.	8			
Smith, John T.	9			
Price, C. L.	10			
Alford, G. F.	11			
Williams, Frank E.	12			
Harrison, Frank E.	12	Cherokee	Alto	Cherokee Rusk Rusk Panola Harrison Harrison, Panola
Walling, Jesse ²³	13			
	13			
Holland, Spearman	14			
Parker, A.	15			
Blanch, E. A.	16			
Hays, Francis M.	17	Smith	Troupe	Smith Smith Davis Titus Titus, Bowie Davis, Titus, Bowie
Hardin, Jas. A.	17			
Todd, James D.	18			
Dillahunt, A.	19			
Hooks, Robert D. ²⁴	20			
Rhea, John C. ²⁴	20			

Name	Dist.	Resident County	Post Office	Counties Represented
Abney, A. H.	21	Upshur	Pittsburg	Upshur
Beall, W. P.	21	Upshur	Coffeetown	Upshur
Bagby, George H.	22	Red River	Clarksville	Red River
Clements, S. E.	23	Lamar		Lamar
Ewing, Wm. M.	24	Hopkins	Tarrant	Hopkins
Wortham, W. A.	25	Hopkins	Bright Starr	Hopkins
Rains, J. D.	26	Wood	Quitman	Wood
O'Quinn, J. D. ²⁵	27	Van Zandt	Edom	Van Zandt, Kaufman, Henderson
Hooker, James	27	Hunt	Greenville	Hunt
Reid, James C.	28	Fannin	Bonham	Fannin
Marshall, John W.	29	Hunt	Greenville	Fannin, Hunt
Woods, James D.	30	Hunt	Greenville	Fannin, Hunt
Foot, G. A.	31	Grayson	Sherman	Grayson
Mathews, George W.	32	Collin		Collin
Potter, M. M.	33	Galveston	Galveston	Collin, Grayson
Hill, Thomas E.	34	Brazoria	Columbia	Galveston
Cone, Horace	35	Harris	Houston	Galveston, Brazoria
Richardson, A. S.	36	Harris		Harris
Holland, J. K.	37	Grimes		Montgomery, Grimes, Brazos
Palmer, R. J.	37	Montgomery	Montgomery	Montgomery, Grimes, Brazos
Randolph, Jeremiah	38	Walker		Walker
Bannerman, C. T.	39	Leon	Navarro	Leon, Madison
Moore, Wm. B.	40	Freestone	Fairfield	Freestone, Limestone, Falls
Perry, Aaron	40	Limestone	Springfield	Freestone, Limestone, Falls
Shelton, P. H.	41	Hill	Towash	Navarro, Hill
Neal, T. C.	42	Ellis	Wilton	Ellis, Johnson, Parker
Ward, Joseph ²⁷	42	Parker	Veal's Station	Ellis, Johnson, Parker
Alford, J. P.	43	Tarrant	Fort Worth	Tarrant
Goodnight, J. P.	44	Dallas		Dallas
McCoy, J. C.	44	Dallas		Dallas
Daugherty, T. W.	45	Denton	Denton	Denton

Name	Dist.	Resident County	Post Office	Counties Represented
Hale, J. W. ²⁸	46	Cooke	Gainesville	Cooke, Montague, Wise, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Matagorda, Wharton, Fort Bend
Buckley, C. W., Speaker	47	Fort Bend	Richmond	Austin
Bush, N. W.	48	Austin		Colorado
Terrell, Charles M.	49	Colorado	Columbus	Fayette
Hunt, William	50	Fayette	La Grange	Washington
Rippetoe, A. H.	51	Washington	Brenham	Washington, Fayette
Flewellen, R. T.	52	Washington	Washington	Burleson, Robertson
Broadbudd, A. S.	53	Burleson	Caldwell	Bastrop
McNeill, D. L.	54	Bastrop		Travis
Townes, E. D.	55	Travis	Austin	Travis, Williamson
Mather, Samuel	56	Williamson		Williamson, Milam
Buckholts, John A.	57	Milam	Cameron	Caldwell, Hays, Blanco
McKie, G. R.	58			Bell, Lampasas
Flint, John J.	59	Bell	Belton	McLennan, Bosque
Way, Charles B.	60	McLennan	Waco	Corvell, Hamilton, Comanche, Erath, Brown,
Costley, John M.	61	Corvell	Gatesville	Palo Pinto, Stephens, Eastland, Shackelford,
				Callahan, Coleman, Jones, Taylor, Runnels
Taylor, F. M.	62	DeWitt	Concrete	Calhoun, Victoria, Jackson, DeWitt
Reid, Jacob B.	62	Victoria	Victoria	Calhoun, Victoria, Jackson, DeWitt
Harwell, J. E.	63	Lavaca	Moulton	Lavaca
Wade, William H. H.	64	Gonzales		Gonzales
Goodrich, Washington E.	65	Guadalupe	Seguin	Guadalupe
Staehely, John A.	66	Comal	New Braunfels	Comal
Lane, E. D. ²⁹	67	Gillespie		Gillespie, Kerr, Bandera, Mason, Menard,
				Kimball, Edwards
Magill, James P.	68	Burnet	Burnet	Burnet, Llano, San Saba, McCulloch, Concho
Thurmond, P. A. ³⁰	69			Goliad, Refugio, San Patricio
Cocke, F. B. S.	70	Karnes	Helena	Karnes, Bee, Live Oak, Atascosa, McMullen, Frio, LaSalle, Zavala, Dimmit

Name	Dist.	Resident County	Post Office	Counties Represented
Navarro, Angel	71	Bexar	San Antonio	Bexar
Simpson, L. P.	71	Bexar	San Antonio	Bexar
Maverick, Samuel A.	72	Bexar	San Antonio	Bexar, Medina, Uvalde, Dawson, Kinney, Cameron
Walworth, James	73	Cameron	Brownsville	Cameron
Werbiskie, Alexander	74	Hidalgo	Brownsville	Cameron, Hidalgo
Ford, John P.	75	Start	Roma	Start, Zapata
Evans, John C.	76	Webb		Webb, Nueces, Duval, Encinal, McMullen
Hall, Jeff W. ²⁸	77	El Paso	El Paso	El Paso, Presidio
Bethel, P. S. ³¹				
Camp, Thos. ³¹				

OFFICERS OF THE HOUSE OF REPRESENTATIVES

Name	Office	Name	Office
Herndon, I. H.	Chief Clerk	Hardeman, William	Sergeant-at-Arms
Campbell, A. G.	First Assistant Clerk	Cartwell, J. S.	Doorkeeper (February 5-February 6, 1863)
Freeman, Thomas	Second Assistant Clerk	Mangum, Joseph	Doorkeeper (February 6-March 7, 1863)
Priestly, P.	Enrolling Clerk	Ward, V. V.	Assistant Sergeant-at-Arms
Garrison, J. L.	Engrossing Clerk	Reese, _____	Chaplain (elected February 6, 1863)

²⁸Only one person named Roberts was present for the proceedings but the Journal does not reveal if it was W. T. Roberts of District 4 or Franklin F. Roberts of District 6. Franklin F. Roberts served in the regular session of the Ninth Legislature and no evidence can be found to show that he resigned prior to the called session. W. T. Roberts was returned from Jasper County at a special election held August 4, 1862.

²⁹Rusk County, District 13, was entitled to two seats. At the election in August, 1862, Jesse Danksy was returned for one of the seats, probably to replace N. G. Bagley, who resigned on January 20, 1862. The other representative, Isaac Danksy, became captain of G, 18th Texas Infantry Regiment, on May 13, 1862, so probably he too had resigned; however, documentary evidence is lacking.

³⁰The two representatives from District 20 cannot be definitely determined as R. D. Hooks did not appear at the called session. John C. Rhea of Davis (Cass) County was elected at the regular election in 1861, to a seat representing District 20.

³¹The representative for one seat in District 27 cannot be determined. George D. Manion held the seat at the regular session, but he enlisted as a captain in Darnell's Regiment on March 1, 1862, and he probably resigned at that time.

³²Elected December 6, 1861.

³³Joseph Ward enlisted as captain of Company C, Frontier Regiment, on December 25, 1862. He did not attend the called session.

³⁴J. W. Hale first appeared at the session on February 9, 1863. In voting the ballots of Hale of El Paso appear confused because of the similarity of the names.

³⁵E. D. Lane did not attend the called session.

³⁶This name is sometimes spelled Thurman.

³⁷Districts represented by Bethel and Camp cannot be determined. An extensive search of the Archives failed to establish their home county.

APPENDIX II
REPORT OF
TEXAS MILITARY BOARD

JANUARY, 1863³²

Immediately after the law creating the Military Board took effect, the Board organized and proceeded to business.

On the 13th January 1862 in consequence of certain letters received by the Governor from the Secretary of War of the Confederate States and from Senators Wigfall and Hemphill and the Hon. Jno. H. Reagan, and also from a peruse of the instructions given by the Hon. Secretary of War to Geo. H. Giddings, the board were induced to place in the hands of Geo. H. Giddings Esq. One hundred U. S. Texas Indemnity Bonds, expecting to receive the same amount of C. S. 8% Bonds.

The Secretary of War however, informed the Board that he possessed no authority to make such an exchange, but that he would purchase the State any arms or munition of war which were procured by Mr. Giddings for these bonds. Mr. Giddings was allowed 94 days to endeavor to negotiate these bonds. The Secretary of War having however within this time notified the Board that he could not ratify the agreement made with Mr. Giddings, it was agreed by the board to grant him further time so that he might be able to negotiate these bonds for the State.

Mr. Giddings after trial in various places to negotiate these bonds, has failed to do so, and they have been returned to the board.

On the 29th January the board availed themselves of the Service of the Hon. Pryor Lea, and he was appointed agent of the board with instructions to visit the cities near the mouth of the Rio Grande and ascertain if the Board could use the 8% State Bonds or the U. S. Texas Indemnity Bonds and the matured coupons thereof, either for the purchase of arms and munitions of war or if they could be sold for Specie, or hypothecated for the articles mentioned or for other things that would be useful to the board, such as machinery and Materials for the manufacture [of] munitions of war and arms.

³²Main Miscellaneous folder, Military Board Papers, Archives Division, Texas State Library.

The Board believing that Cotton would afford them a certain currency for the purchase of munitions of war and other necessary articles, in Mexico, the State being entirely destitute, and that Cotton could be procured for the State 8% Bonds to be used by the board—thus affording the people of the State a safe investment for their means and also an opportunity to exercise their patriotism by coming to the assistance of the State in her time of need, if issued to the People of Texas a circular attached hereto marked "A."³³

It is due to the People of the State to say that this circular met prompt response and the board have purchased about 3659 bales at fair market prices, part of which has been disposed of in exchange for goods and the remainder is enroute to meet existing contracts made by the board through its agents.

It may be observed that the great and destroying drouth which has prevailed in Western Texas, has multiplied the difficulties of procuring transportation, and the fact that the State had to enter into competition with numerous speculators who by their anxiety to procure the transportation of the country, succeeded in raising the prices of transportation over 300 percent, yet the board by employing competent agents succeeded in transporting most of their Cotton at reasonable prices.

The board cannot permit this opportunity to pass without recording their thanks to the gentlemen who at their request promptly asked as their agents to purchase cotton. List of Cotton purchased by the Agents of Mil. Board.

W. R. THOMAS'S AGENCY

R. Rollins	Bales	22	
E. G. Mays		25	
Wm. Forester		41	
Geog. Stonehouse	"	43	
C. C. Lawson		21	
Danny Field		22	
<hr/>			
	Carrd fowrd	174	
	Brot Fowrd Bales	174	Bales
D. O. Barton		20	
E. W. Cauthorn		26	
R. S. Thomas		25	

³³None of the documents mentioned in this report can be located.

I. R. Bennett	20	285
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J. H. THOMASON'S AGENCY

J. A. Cabiness	Bales	22	
J. W. Oliphant	"	24	
S. M. Jenkins	"	24	
A. J. McGown	"	22	
E. M. Branch	"	35	
S. A. Mason	"	16	
J. A. Thomason	"	107	
W. R. Wooten	"	82	
Wm. M. Palmer	"	23	
W. J. Johnson	"	26	
J. C. Abercombie	"	11	
J. D. Cunningham	"	15	
W. W. McGar	"	21	
J. E. Scott	"	41	
F. Campbell	"	10	
B. Campbell	"	10	
L. A. Scott	"	46	
F. M. Lewis	"	10	545

J. M. THOMASON'S AGENCY

A. L. Thompson	Bales	12	
C. A. Abercombie	"	44	
P. W. Kittrell	"	22	
W. A. Parrish	"	23	
H. Hightower	"	21	
E. Winn	"	22	
T. F. Gibbs	"	24	

	Carrd forwd	168	810
	Brot forwd Bales	168	810
Jno. Mann		23	191

J. L. GAY'S AGENCY

C. W. Tait	Bales	17	
S. T. & J. Harbert	"	20	
S. T. & J. Harbert	"	18	
Jacob Clapp	"	6	
A. M. Campbell	"	19	
W. J. and J. A. Harbert	"	50	
S. T. and J. Harbert	"	20	
A. T. Wilson	"	20	

Vincent Allen	"	9	
J. L. Taylor	"	25	
Vincent Allen	"	15	
Wm. Herbert	"	50	
A. T. Wilson	"	13	
Jacob Clapp	"	13	
W. J. Herbert	"	21	
Dunroant & Gordon	"	22	
J. C. Loe	"	28	
Wm. Pinckbeck	"	33	
A. Alley	"	28	
P. E. Waddell	"	31	
S. T. & J. Herbert	"	54	
S. T. & J. Herbert	"	18	
J. Shaw	"	7	533

J. F. ROBERT'S AGENCY

J. T. Lawson	Bales	25	
D. T. Stevens	"	100	
C. L. Bolton	"	50	
J. T. Bolton	"	20	
M. L. Calloway	"	10	
		Carryd forward	205
		1534	
		Acct brot forward	205
		1534	
E. M. Sanford	Bales	25	
L. Calloway	"	40	
M. L. Carlton	"	30	
R. H. D. Sorrel	"	100	
A. C. Horton	"	100	500

W. P. R. GAINES' AGENCY

Jno. D. Waters	Bales	104
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M. H. RYAN'S AGENCY

Jno. Caldwell	Bales	158
Gen. Warren	"	74
T. P. Washington	"	64
W. H. Morris	"	87
T. P. Washington	"	103
J. T. Ficks	"	22
J. H. Pope	"	70
		578

S. J. DRENNAN'S AGENCY

T. P. May	Bales	3	
Joseph White	"	7	
Levi Best	"	3	
D. S. Smith	"	14	
B. F. Hammond	"	76	
Wm. Stoneham	"	9	
S. J. Drennan	"	80	192

JNO. P. KEY'S AGENCY

E. Knolle	Bales	116	
J. T. Shelburne	"	30	
R. T. Paine	"	50	
C. C. Koch	"	25	
W. A. Snell	"	22	
L. W. Groce	"	125	
M. A. Chambers	"	21	389

Carrd forwrd 3,297

Brot forward Bales 3,297

C. L. CLEVELAND'S AGENCY

F. M. Harrell	Bales	49	
J. M. Maxey	"	55	
M. A. Hubert	"	70	
Ball, Hutchins & Co.	"	89	263

JNO. W. DANCY'S AGENCY

Jno. W. Dancy	Bales	79	
Matthews	"	20	99

Total purchased 3,659

On the 31 March last, the Board appointed James T. D. Wilson, an agent with directions to proceed to Mexico and purchase Arms, munitions of War, Clothing and Shoes.

A portion of the business entrusted to Mr. Wilson it is not deemed compatible with the public interest to make public, but will be fully explained by the Board to the Hon. Committee.

The Board furnished Mr. Wilson with some means and issued ample instructions to guide him in his mission.

Mr. Wilson could not make use of a portion of the valuables intrusted to him but succeeded in purchasing an [sic] Invoices of Powder, Caps and Lead and a small lot

of bagging and rope. —the last two articles have been used by the Board. A copy of the Invoices of goods secured by Mr. Wilson is attached Marked "B."

Mr. Wilson executed his agency with promptness and efficiency and would accept no compensation for his services except his actual outlay for traveling expenses.

Mr. Wilson also furnished the Board with a vast amount of valuable information.

On the 11th April 1862, the firm Jno. M. Swisher & Co. of Austin were appointed agents of the Board under certain business, which, in the opinion of the Board, it would be improper to publish at this time, but an investigation and examination of the transaction is respectfully solicited from the joint Committee appointed by both houses of the Legislature.

On the 29th April 1862, the Board extended the appointment of Agent to Mr. Jno. M. Moore of Corpus Christi, a gentleman well acquainted with the Mexican Market, with instructions to visit Mexico for the purpose of purchasing arms, munitions of War and other articles of necessity. The Board agreed to place to the disposal of Mr. Moore from two to four thousands Bales of cotton.

Under this agreement Mr. Moore has furnished goods to the amount of \$106,154.68 $\frac{1}{2}$ as per Invoice annexed, marked C, which will be further increased when charges, expenses are added.

Under this Contract Eleven hundred and twenty three Bales of Cotton were delivered to Mr Moore up to the 25 Decbr., the date of his report and One hundred and fifty three bales were at the Depot at San Antonio awaiting transportation.

STATE FOUNDRY

The Board being satisfied of the impracticability of procuring Cannon by purchase and obtaining cannon from East of the Mississippi, and believing that the State should have a supply, resolved to erect a Foundry at which Cannon could be manufactured. And having secured the services of Mr. Wm. Carton, an experienced workman, he was despatched to purchase the necessary machinery tools and material.

The scarcity of tools, material, and of workmen produced many delays, which however the energy of the Su-

perintendant in a great measure has enabled him to surmount and the Foundry may be said to be in successful operation, and will it is believed be able to accomplish the object for which it was established.

Up to the 31 of December, there has been paid out for Buildings, Furnace, Steam Engine, Materials, Tools, Lumber for Gun Carriages and labor, the Sum of \$33,523.77.

CAP FACTORY

The Board finding that it was impossible to procure in any quantity or with any certainty, or even at reasonable rates, a Supply of Percussion Caps, determined if possible to supply the State with this necessary article and therefore established a factory.

Having secured the Services of Wm. De Ryee an accomplished chemist and procured through him a tolerable supply of the necessary chemicals, the Board started the Factory which is now in successful operation and capable of turning out a large number of Caps daily. The produce of this Factory it is believed will compare favorably with caps manufactured elsewhere.

The Foundry and Cap Factory will, the Board believe repay well for the time occupied in inspecting them, and an inspection is respectfully requested.

The Amt standing charged against the Cap Factory up to 31 of December 1862 is \$3,528/64

SALES OF BONDS

The Board disposed of Four hundred and Sixty State Bonds up to the 1st of Janry 1863, as follows

3 Bonds paid for the Nichol Guns

3 do paid for Sulphur and Saltpetre

41 do Sold and proceeds applied to the purchase of Gunboat Bayou City and repairs and alterations made on her and obstruction of Buffalo Bayou and Galveston Bay

299 do sold for money of which the proceeds of 182 amounting to \$183,995.07 was paid in to the Treasury of the State to the Credit of State Revenue, and the balance has been used in the business of the Board except 84,038.88 balance on hand on the 1st of Janry 1863. Of the 41 bonds appropriated to the Gun Boat it may be well to state that she was purchased for 20 State Bonds. 114 Bonds were

used for the redemption of certificates issued by the purchasing Agent of the Board for Cotton purchased.

Many certificates have not yet been presented for redemption.

The 460 Bonds drawn by the Board realised 476,422.60 Dollars.

The Board has made the following Contracts for Arms.

PISTOLS

On the 11th April 1862, the Military Board entered into Contract with Taylor, Sherrod & Co. of Lancaster Dallas Co. to manufacture for the use of the State, three thousand pistols after the pattern of those known as "Colts" one half Army size and the other Navy size, at the rate of Forty dollars per pistol.

And to assist these gentlemen in their enterprise the Board advanced the sum of Five thousand Dollars, and afterwards Five Thousand Dollars more, The State being secured by good bonds for these amounts.

These parties had great difficulties to contend with. The scarcity of material and labor, beside the necessity that existed to manufacture most of the Tools necessary for the intended work before they could begin operations.

The Board regret that these contracts have not yet been able to meet their engagements as to delivery, but from their Statements trust they soon will be able to commence delivering. We invite your attention to a sample Pistol now in our possession from this establishment

RIFLES

Early in May last the Board entered into Correspondence with Messrs. Whitescarver, Campbell & Company of Rusk Cherokee Co. for the purpose of consummating a contract with them for the manufacture of Texas Rifles, after the fashion and on the model of the famous Mississippi Rifle.

On the 2nd June last these parties signed a contract to furnish the Board Three hundred and fifty guns by the 1st day of January 1863 at the rate of Twenty five Dollars per Gun, which contract has been completed and the Guns delivered to the Ordnance Officer of the State at Rusk, a sample gun is in the State Armory at this place.

The Guns on inspection will be found neat, strong,

and substantial War Guns, though without ornament of any sort yet capable in the hands of our people of doing great execution.

To assist these parties the board advanced them the sum of Twenty five hundred Dollars on hand with good security.

On the 1 September last these parties signed another contract with the Board to manufacture Three hundred fifty more guns of the same style and furnish as those described in the first contract, with the addition of the Bayonet attachment on the style of the Enfield Rifle, for which the Board agreed to pay at the rate of Thirty Dollars per Gun.

These Guns the Board are informed are under way and will no doubt be delivered according to contract namely by the 1st day of July 1863.

On the first day of July 1862, the Board consummated a contract with Messrs. Billups and Hassell of Plenitude Anderson Co for the manufacture of Seven hundred good plain substantial War Guns after the manner and style of the Mississippi, with Bayonets, for the Sum of Thirty Dollars each, the contract to be completed by the first day of July A. D. 1863.

The Board advanced these parties the Sum of Five thousand Dollars ranking bond with good security, for the purpose of assisting them to purchase Material.

One hundred of these Guns have been delivered and the board have every assurance that the terms of the Contract will be complied with.

The parties are men of well known energy and perseverance, but had to contend with the difficulty of procuring the necessary labor. The mechanics of the Country like all other classes have volunteered in large numbers to fight the battle of freedom and labor has become scarce in all the branches of mechanical arts and the Board have experienced great difficulty in getting men detailed from the army to work in the different armories. Some soldiers that the General in command of this department ordered at the request of the Board to be detailed were by some means unknown to the Board prevented from reporting.

Mess. Billups & Hassell however are now in successful operation and by the aid of additional machinery lately purchased have largely increased their facilities.

On the 5th day of November 1862 Messrs. Short Briscoe & Co of Tyler Smith Co. entered into contract with the Board to manufacture Five thousand Guns after the style of the Mississippi Rifle with the improved Bayonet invented by Mr. Short which the Board view as a very superior weapon. At least five hundred of these guns are to be delivered by the 1 June 1863 and the whole number contracted for are to be delivered by the 1 January 1864. The Contract contains a proviso that the board are not bound to receive more guns after the 1 August next than may be delivered by that time.

The Board have also entered into a small contract with N. B. Tanner of Bastrop who furnishes a very excellent gun with Bayonet at the rate of 32.50 dollars. This party has manufactured and delivered up to 31 decbr 1862 119 Guns

GUN POWDER

Wm. Rowan of Waxahachie Ellis Co., having erected at that place a large Powder Mill, the Board to encourage home manufacture of this important and necessary article, agreed to furnish Mr. Rowan with Salt Petre and Sulphur to be repaid in powder at the rate of One Dollar and twenty five cents per lbs. Salt Petre and Sulphur to the amount of Six Thousand and ninety seven 76/100 Dolls. has been furnished Mr. Rowan he giving bond with good security to protect the State from any loss.

In making this contract the Board answered Mr. Rowan the privilege of disposing of one half of the Powder he may make to the people of the State.

Mr. Geo Pfeiffer of Corpus Christi having been recommended to the Board is a reliable person who was building a Powder Mill near Corpus Christi, the board entered into contract with him on the 3rd day of May 1862 for the supply of 10,000 lbs of Powder @ \$1.75.

The object of the Board was, if possible to encourage in every way the establishment of mills within the State.

By the terms of the Contract with the Board were to advance Mr. Pfeiffer cotton which with he stated he could procure the necessary materials in Mexico.

Mr. Pfeiffer has been unable to comply with his contract owing as he states to the impossibility of procuring the necessary labor. The Board have reason to believe

that Mr. Pfeiffer will furnish Powder to cover the advance made.

Mr. Constantine Foster of Burnett Co having erected a small manufactory of Powder in that County, it was represented by some of his neighbors that the Board by rendering such assistance as Mr. Foster would accept and made a small advance in money and materials, all of which have been repaid to the Board.

W. H. D. Carrington and his associates are now erecting a Powder Mill in the upper end of Travis Co and the Board have entered into Contract to supply them with a certain amount of Salt Petre and Sulphur to be repaid in Powder of approved quality at the rate of one Dollar and twenty five cents per lb.

PURCHASE OF ARMS

In addition to the contracts made for arms, the Mil. Board recommend that every serviceable gun or those that could be made serviceable be purchased. This duty was confided by the Governor to the Adjutant General and a reference to his report will show that the State have scoured quite a large number of Serviceable arms.

PURCHASE OF THE STEAMER BAYOU CITY

At the first establishment of the Blockade of Texas by the Abolition Government, the Frigate Santee was the vessel employed. Being a Sail vessel and of large size the blockade might have been easily evaded, had she not succeeded in procuring several small craft as tenders.

It was believed by parties esteemed competent to judge, that if the Steamer Bayou City was properly fitted up, she would be able to cope with the tenders of the Santee and thus render the blockade ineffectual, as she could destroy the small vessels and probably sink the Santee.

The Board selected Capt. Henry S. Lubbock an experienced Steam Boat Man and Engineer to superintend the necessary alterations required. About the time of her completion the Santee disappeared and was replaced by several small light draft steamers with powerful ornaments.

The principal object for which the Board purchased and altered the Steamer, being defeated by the increase and alteration of the blockading force, and the Board believing that the boat could be made very effective in the

hands of the Confederate States Government as a Guard Boat, offered her to the General Commanding who made the purchase.

The part allotted to the Bayou City in the memorable battle of Galveston on the 1st of Janry last, will become part of the written history of the War, and the Board may be allowed to congratulate themselves on the Service she rendered.

The Amount outstanding on the Books of the Board to the Debit of the Bayou City, which includes all charges is \$44,773.24.

The Board hold a certified account against the Confd. States for Fifty thousand Dollars the amount of her approved value, which we hope will be liquidated in the course of a few weeks.

DISPOSAL OF COTTON

- 1026 Bales have been received and acknowledged
by Messrs. Druege, Oetling and Co. at Matamoras to
whom it was sent to meet engagements of the Board
- 1123 Bales have been delivered to Mr. Moore
- 153 Bales on hand at San Antonio awaiting trans-
portation to Mr. Moore
- 204 Bales delivered to Lavanburg in payment of
his first invoice.
- 169 Bales delivered to Powder Co. in exchange of
8000 lbs Blocktin
- 43 Bales sold by J. T. D. Wilson and accounted
for by him
- 10 Bales in bad order sold under direction of the
Board by Mr. Kingsberry and accounted for
- 99 Bales in the hands of J. W. Dancey on plan-
tation.
- 20 Bales on S. J. Drennan's plantation
- 150 " delivered to Geo Pfeiffer on his contract
- 50 " burnt at Sorrels Plantation
- 150 " Delivered to Lavanburg to meet the
payment of his invoices, to be sold and accounted
for the board by procuring transportation
- 100 Bales on L. J. Drennan's agency not yet for-
warded
- 352 the Balance is at Houston, Alleyton and in
Wharton Co the Board having been unable to procure

transportation.

The amount expended for the purchase of Cotton up to the 31 Decbr 1862, including the amount paid for transportation and other necessary expenses thereon, appears by the Books to the amount of \$143,274.96/100 in which is embraced one hundred fourteen Bonds, which were used in redemption of certificates of purchase, issued by the Agents of the Board.

The Amount paid for the purchase of Ordnance shares and the cost of transportation of the same is \$30,810.48. note: The Ordnance Stores specified in the Invoice from Mr. Moore are not included in this amount except so far as the transportation from San Antonio to this point is concerned.

The Board have also received some Articles from Lavanburg Bro amounting to about \$25,000.00 for particulars See Invoice D.

Also some articles from L. Oliver Bro. through J. T. D. Wilson, amount of Invoice Letter F. 13,403.92

Also an invoice from Druege, Oetling & Co. amounting to, Letter F. 4,800. 74

The business of the Military Board has been of a varied character, and operations of a large amount creating the necessity of their having a regular Set of Books which have been kept by their Secretary, inspection of the Books is solicited.

Among other acts of the Board, it may be well to state, that upon the representations of Gen. Besser, that certain Machinery of the Factory in the Penitentiary needed replacing, and being furnished by him with a list of the Articles required, they ordered the same through one of their agents and have received notice of the arrival of the greater portion of the order.

All their agents were instructed to procure a supply of Cotton and Wool Cards, and the Board are pleased, that they can announce, that a large lot will tend to relieve greatly the want of the people and enable our patriotic women to assist in clothing our gallant troops who are in the field.

Believing that the Legislature would appoint a joint Committee to inspect the books and examine into the transaction of the Board no report was prepared for presentation to the Legislature. This report was compiled in

response to the resolution of the House of Representatives and is believed to be correct although somewhat hurriedly prepared.

RECAPTIULATION OF STATE BONDS USED AND ON HAND

3	Bonds	paid for Nichols Guns
3	"	paid for Sulphur and Salt Petre
41	"	paid for Gun Boat Bayou City
182	"	Sold and proceeds paid to Treasury for State Revenue
117	"	Sold for money and used by the Board as specified.
114	"	Used for redemption of Cotton certificates issued by the purchasing agents.
44	"	it is estimated will be required to redeem the certificates issued by agents not yet presented for redemption
47	Bonds	required for Cotton contracted for since the 1 Janry 1863
12	"	have been used by the Board since the 1 Janry 1863
294	"	have been used in funding of Treasury Warrants which will leave a balance of 143 bonds not disposed of.

Cotton to the amount of \$60,000 or thereabouts has been contracted for by the Board to be paid in Currency.

On reference to Mr. Moore's Invoice it will be seen that he has contracted for a large amount of goods considerable of which are enroute to this place.

A large amount of Goods are now at the mouth of the Rio Grande awaiting facilities to Land, the invoice of which are daily expected, from a rough Statement from the parties, it is believed they will amount to 150,000.00 to 200,000.00 a large proportion of which we expect to hand over to the Confederate States Government.

F. R. Lubbock

Pres Mil Board

C. R. Johns

C. H. Randolph

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